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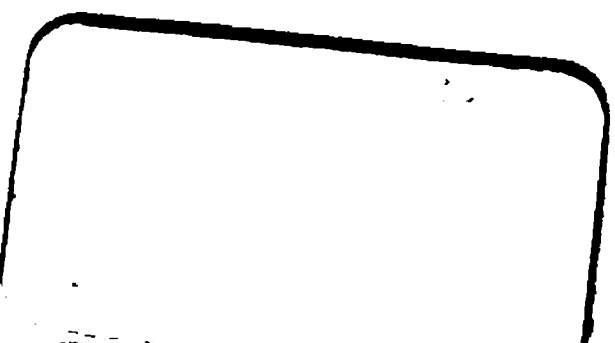
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# GENERAL STATUTES

OF THE

# STATE OF CALIFORNIA

CONTINUED IN FORCE

AND

NOT AFFECTED BY THE PROVISIONS OF THE CODES.

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PUBLISHED UNDER AUTHORITY OF LAW, BY

CREED HAYMOND,	}	COMMISSIONERS TO REVISE THE LAWS.
JOHN C. BURCH,		
JOHN H. MCKUNE,		

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SACRAMENTO:  
T. A. SPRINGER, STATE PRINTER.  
1873.





## PREFACE.

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By the provisions of an Act to put into effect certain parts of the Codes and provide for their publication, the Commissioners were required, in addition to superintending the publication of the Codes, to compile, for publication, all general statutes continued in force by either of the Codes. Among these general laws not affected by the Codes were the Acts funding the State debt; Acts regulating and in relation to rodeos; Acts in relation to Judges of the Plains; Acts in relation to lawful fences, estrays, and the trespassing of animals on private property; the fee and salary bills of the various counties of the State, beside other laws specially mentioned and recognized as continuing in force by the Codes. The corporation laws of the State existing prior to the adoption of the Codes were continued in force for certain purposes, and the existence of corporations which had been formed before twelve o'clock, noon, of the first day of January, eighteen hundred and seventy-three, were not affected by the Code, unless such corporation elected to continue its existence under it, but the laws under which such corporation was formed continued applicable to all such corporations. (See Civil Code, Secs. 287 and 288.) The corporation laws of this State, as they existed before the adoption of the Code, are therefore collected and published in this volume. Wherever

the Codes make provisions concerning certain subjects in such cases, all laws relating to the same subject matter which were theretofore in force in this State, whether consistent or not with the provisions of the Code, are repealed. In this volume the Commissioners have given a brief history of legislation which has been had upon various subjects, and where the Code has made provision concerning such subjects, reference thereto is made, the sections of the Codes relating to the subject, and superseding the prior law, being cited. It was deemed advisable also to make brief mention of the special Acts passed, and which affect only certain portions of the State, so that this volume, when taken in connection with the Codes, might form a complete and harmonious whole, and the reader may be able at a glance to inform himself concerning any special, as well as any general law. The Commissioners have adopted the alphabetical arrangement, believing it will be the most useful and convenient form.

CREED HAYMOND,

Chairman,

JOHN C. BURCH,

JOHN H. McKUNE,

Commissioners.

CAMERON H. KING,

WILL J. BEATTY,

Secretaries.

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# General Statutes of California

CONTINUED IN FORCE

AND NOT AFFECTED BY THE PROVISIONS OF

THE CODES.

TOGETHER WITH A COMPLETE HISTORY OF THE LEGISLATION UPON ALL  
GENERAL AND SPECIAL SUBJECTS.

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# GENERAL STATUTES

OF THE

STATE OF CALIFORNIA CONTINUED IN FORCE AND  
NOT AFFECTED BY THE PROVISIONS OF

## THE CODES.

TOGETHER WITH A COMPLETE HISTORY OF THE LEGISLATION UPON ALL GENERAL  
AND SPECIAL SUBJECTS.

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#### ADULTERATION OF FOOD AND LIQUORS.

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1.

An Act to prohibit the sale and disposal of adulterated spiritous or alcoholic liquors, wines, or cider, approved April 14, 1860, p. 186.

Reference  
to enact-  
ments  
relating  
to this  
subject.

An Act to prevent the adulteration of food and liquors, approved May 2, 1862, p. 484.

An Act to protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production or sale of unwholesome or adulterated milk, approved March 12, 1870, p. 298.

[These Acts are superseded by the Penal Code, Sec. 382.]

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## AGRICULTURE.

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30. Society not liable to be sued for premiums.
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*An Act to provide for the collection of information relating to the agricultural and other industrial pursuits of this State.*

[Approved March 10, 1866, p. 201.]

[Enacting clause.]

**Assessors  
to collect  
informa-  
tion.**

2. SECTION 1. It shall be the duty of the several County, District, and Township Assessors of this State, at the time of making their annual assessments, to collect a full and true statement of all the agricultural and industrial pursuits and products of their several counties, districts, and townships, for the preceding

year, and such other information as they may be required by the Surveyor General to collect, and to report the same to the office of the Surveyor General, between the first day of September and the first day of November of each year, upon blanks to be furnished by him.

3. SEC. 2. The Board of Supervisors of the several counties of this State are hereby directed to reserve in their final settlement with their County, District, and Township Assessors, a sum equal to twenty-five per cent of the amount allowed by the State for making his annual assessment, until he shall furnish the certificate of the Surveyor General that a satisfactory report, as provided in section one of this Act, has been received at his office, which certificate shall in all cases be given when a satisfactory report has been made.

Penalty for failure to collect.

4. SEC. 3. The Surveyor General shall furnish to the Secretary of the Board of Agriculture a duplicate copy of each statistical report of the Assessors as soon as the same may be received by him.

Duplicate copy of Assessor's roll.

5. SEC. 4. The Surveyor General shall forward a printed copy of this Act to each of the Board of Supervisors in this State, and to each of the County, Township, and District Assessors.

Distribution of printed copies.

SEC. 5. This Act shall take effect immediately.

6.

Reference to special Acts.

Act for encouragement of agriculture, approved April 4, 1870, p. 820.

Repeal of an Act for the encouragement of agriculture and manufactures in California, approved February 18, 1870, p. 79.

*An Act to incorporate a State Agricultural Society, and appropriate money for its support.*

[Passed May 13, 1854, p. 163.]

[Enacting clause.]

California  
State Agri-  
cultural  
Society  
incorpor-  
ated.

7. SECTION 1. There is hereby established and incorporated a society to be known and designated by the name and style of the "California State Agricultural Society," and by that name and style shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, and shall have authority to have and use a common seal, to make, ordain, and establish and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary for the good government of said society, and the prudent and efficient management of its affairs; *provided*, that said by-laws, ordinances, rules, and regulations shall not be contrary to any provisions of this charter, nor the laws and Constitution of this State or of the United States.

Powers,  
real estate,  
model  
farm,  
dissolution,  
etc.

8. SEC. 2. In addition to the powers above enumerated, the society shall, by its name aforesaid, have power to purchase and hold any quantity of land not exceeding two sections, and may sell and dispose of the same at pleasure; the said real estate shall be held by said society for the purpose of establishing a model experimental farm or farms, erecting inclosures, buildings, and other improvements calculated and designed for the meeting of the society and for an exhibition of the various breeds of horses, cattle, mules, and other stock, and of agricultural, mechanical, and domestic manufactures and productions, and for no other purpose. And it is further enacted, that if, from any cause, said society shall ever be dissolved, or fail to meet within the period of two consecutive years, then the real estate held by it, together with all the build-

ings and appurtenances belonging to said estate, shall be sold as lands are now sold by execution, and the proceeds deposited in the State Treasury, subject to the control of the Legislature.

[The statute of March 20, 1858, p. 80, repealed sections 3, 4, 6, 7, 9, and 10. Sections 5, 8, and 11 have performed their office and are consequently omitted here.]

*An Act supplemental to an Act to incorporate a State Agricultural Society, approved May thirteenth, eighteen hundred and fifty-four, and amended March twentieth, eighteen hundred and fifty-eight.*

[Approved March 12, 1863, p. 49.]

[Enacting clause.]

9. SECTION 1. The general prudential and financial affairs of the society shall be intrusted to a Board of Agriculture, to consist of a President and nine Directors, five of whom shall constitute a quorum.

Board of Agriculture created.

10. SEC. 2. Said Board of Agriculture shall be elected at a general State Agricultural Convention, to be held at the capital of the State, in the year one thousand eight hundred and sixty-three, in the month of March, and in the month of January every year thereafter, to consist of the life members and annual members of the State Agricultural Society and four delegates from each County Agricultural Society within this State, incorporated under the general laws of this State for such corporations, and an equal number from each District Agricultural Society, also incorporated under the general laws of this State for such purposes; said delegates to be chosen at the annual Fair or annual meeting of each such society next preceding the State Agricultural Convention; *provided*, said Convention to be held in March, one thousand

Election of Board provided for.

eight hundred and sixty-three, may admit any person or persons representing any of said County or District Agricultural Societies as the Convention may determine by a majority vote, whether such persons shall have been elected by their respective County or District Agricultural Societies, as provided in this Act, or not. [As amended March 12, 1863, p. 50.]

**Term of  
office.**

11. SEC. 3. The Board of Agriculture shall, at its first meeting after its election, be divided by lot into three equal portions (omitting the President), one portion to continue in office one year, one portion two years, and one portion three years; one third of the number, together with a President, to be elected at the State Agricultural Convention, annually, thereafter; the Directors to hold office three years.

**Powers of  
Board.**

12. SEC. 4. The Board of Agriculture may, in the absence of the President, choose one of its other members temporary Chairman. They shall elect a Treasurer and Secretary, not members of the Board, prescribe their duties, fix their pay, and the said Treasurer and Secretary shall be subject to removal at any time by a majority of said Board.

**Duties of  
Board.**

13. SEC. 5. The Board of Agriculture shall use all suitable means to collect and diffuse all classes of information calculated to aid in the development of the agricultural, stock raising, mineral, mechanical, and manufacturing resources of the State; shall hold an annual exhibition of the industry and products of the State, and on or before the first day of January of each year in which the Legislature shall be in regular session, they shall furnish to the Governor a full and detailed account of all its transactions, including all the facts elicited, statistics collected, and information gained on the subject for which it exists; and also a distinct financial account of all funds received, from

whatever source, and of every expenditure, for whatever purpose, together with such suggestions as experience and good policy shall dictate for the advancement of the best interest of the State; the said reports to be treated as other State documents are.

14. SEC. 6. The Board of Agriculture shall have **Marshals.** power to appoint a suitable number of persons to act as Marshals, who shall be, from twelve o'clock, noon, of the day previous to the opening of the exhibition, until noon of the day after the close of the same, vested with all the powers and prerogatives with which Constables are invested, so far as acts or offenses committed within, or with reference to, or in connection with the exhibition are concerned.

15. SEC. 7. The Board of Agriculture may, in **Premiums, etc.** its discretion, award premiums for the best cultivated farms, orchards, vineyards, gardens, etc.; *provided*, that said Board shall not audit, allow, or pay an amount exceeding one thousand dollars, in any one year, for traveling expenses of Visiting Committees in examining said farms, etc.; *provided further*, that no person except practical agriculturalists shall be appointed on said committees.

16. SEC. 8. It shall be optional with any person **Premiums, etc.** to whom a premium is awarded, to receive the article named, or its equivalent (as affixed) in coin.

17. SEC. 9. The State Agricultural Society shall have power, at its first annual meeting after the passage of this Act, to make such alterations in its Constitution as shall make it conform to the provisions of this Act. **Power of Board to alter Constitution, etc.**

[Secs. 10 and 11 repealed all laws in conflict, and took effect on passage.]

*An Act supplemental to an Act entitled an Act supplemental to an Act to incorporate a State Agricultural Society, approved May thirteenth, eighteen hundred and fifty-four, and amended March thirtieth, eighteen hundred and fifty-eight, approved March twelfth, eighteen hundred and sixty-three.*

[Approved April 13, 1863, p. 259.]

[Enacting clause.]

Board of  
Directors  
to audit  
claims;  
warrants.

18. SECTION 1. The Board of Directors mentioned in section one of the Act to which this Act is supplemental, shall audit all claims or demands against the State Agricultural Society that have accrued prior to the first day of January, eighteen hundred and sixty-three, and allow such as may be just and proper, and cause their warrants to be drawn on the Treasurer of said society, payable out of the General Fund; said warrants shall be signed by the President and Secretary of said Board of Directors, and the Treasurer shall pay the same in the order of their presentation, if there be money in said Fund; but if not, then he shall indorse on the back of the warrant: Presented, and not paid for want of funds, this — day of —, A. D. eighteen hundred and sixty —; and said warrants shall draw interest at the rate of ten per cent per annum from the date of presentation until paid.

Payments  
into  
General  
and  
Special  
Funds, etc.

19. SEC. 2. All assets, moneys, and debts due said society, that accrued prior to the first day of January, eighteen hundred and sixty-three, shall be placed to the credit of the General Fund, for the liquidation of the debts of said society created prior to the first day of January, eighteen hundred and sixty-three; and all moneys received during each fiscal year hereafter shall be placed to the credit of a Fund to be known as a Special Fund, for the payment of the current expenses, premiums, and awards for the year in which



the same was received, and to liquidate the outstanding indebtedness of said society, as hereinafter provided; and all moneys received from appropriations, donations, or from any other source, and all property acquired shall be exempt from attachment and execution for any debt or liability other than those created during that fiscal year.

20. SEC. 3. The Directors shall, each year, pay all claims or demands, and premiums awarded, before the last day of December, from said Special Fund; and if any money remains in said Special Fund after the liquidation of all claims and demands of that fiscal year, then the Directors shall advertise, in some newspaper published in Sacramento, that they will receive proposals for the surrendering of the outstanding warrants against the General Fund, naming the time and place when they will be received and opened. Said Board shall accept the bids that will surrender said warrants for the lowest per cent, until all the money remaining in said Fund is expended; and the Board may accept a bid for a part of any warrant, and issue a new warrant for the balance due on such warrant; *provided*, said Directors shall not receive any bid above par, or for any claims or demand that is not presented, allowed, and a warrant drawn as provided in section one of this Act, within ninety days from the passage of this Act.

Payment of  
claims;  
acceptance  
of bids, etc.

21. SEC. 4. No debt, or demand of any kind, against said society, shall be paid by the Treasurer, or any other person, until it shall have first been audited by the Board of Directors, and on a warrant drawn upon the Treasurer, signed by the President and Secretary; and no premiums that may have been awarded by any committee shall be paid until it has been approved by the Board of Directors.

Debts not  
to be paid  
until  
audited;  
premiums.

## SEC. 5. [Took effect on passage.]

Reference  
to special  
laws  
relating to  
State Agri-  
cultural  
Society.

## 22.

The following special Acts relate to the same subject matter:

An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, and for other purposes, in the City of Sacramento, approved February 10, 1859, p. 20.

An Act to condemn certain streets and alleys for the use of the California State Agricultural Society, approved April 24, 1861, p. 228.

An Act providing for the permanent improvement of the stock grounds belonging to the State Agricultural Society, approved May 2, 1861, p. 272.

Act providing for publication of report, Stats. 1861, p. 501.

Act for relief of State Agricultural Society, Stats. 1863-4, p. 313.

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*An Act concerning Agricultural Societies.*

[Approved March 12, 1859, p. 104.]

[Enacting clause.]

Agricultural  
societies  
may be  
formed by  
seven  
persons or  
more.

23. SECTION 1. Any seven or more persons may form an association for agricultural purposes, and when so formed, shall be known and designated by the name of — Agricultural Society, and by such name and style shall have perpetual succession, and shall have power and authority to contract and be contracted with; to sue and be sued in all Courts; to have and use a common seal, and to alter the same at pleasure; to make, ordain, and establish, and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary for the good government of such society and the management of its affairs; *provided*, that said by-laws, ordinances, rules, and regulations shall not be contrary to any provisions of this charter, or the Constitution of this State or of the United States.

24. SEC. 2. In addition to the powers above enumerated the society shall, by its name, have power to

purchase, hold, and lease any quantity of land, not exceeding in the aggregate one hundred and sixty acres, with such buildings and improvements as may be erected thereon, and may sell, lease, and dispose of the same at pleasure. The said real estate shall be held by such society for the purpose of erecting buildings and other improvements calculated to promote and encourage the interests of agriculture, horticulture, mechanics, manufactures, stock raising, and general domestic industry.

May  
purchase  
land.

25. SEC. 3. The officers of such society shall consist of a President, two Vice Presidents, a Secretary, a Treasurer, and not less than two Directors—all of whom shall be members of such society at the time of their election, and shall have the management of the fiscal, prudential, and other concerns of such society, and shall be styled "The Board of Managers." The said officers shall be elected annually by the members of the society, at such time and in such manner as in their Constitution and by-laws they may prescribe, and shall hold their offices for the term of one year, and until their successors enter upon their duties. [Sec. 3 as amended January 31, 1870, p. 31.]

Officers of  
society.

26. SEC. 4. Such society may provide, by its Constitution and by-laws, for membership of such society, and fix the prices of such membership, and terms of duration thereof.

Member-  
ship.

27. SEC. 5. No society organized under the provisions of this Act shall contract any debts or liabilities to exceed the amount of money in the treasury at the time such debt or liability shall have been contracted, except as provided in the next section.

Liability of  
society.

28. SEC. 6. Such society, by the unanimous vote of the Board of Managers, for the purpose of purchasing or leasing property, as provided for by section sec-

May  
execute  
mortgages,  
etc.

ond of this Act, or for the purpose of paying for property, may create debts or liabilities, not exceeding five thousand dollars, which they may secure by mortgage upon the property of said society; and in case of any excess being incurred, the members of said Board of Managers shall, in their individual and private capacities, be held jointly and severally liable to such society for the amount of such excess; *provided*, that any member of said Board who shall have been absent, or caused his dissent therefrom at the time to be entered on the minutes, shall not be so held liable. [Sec. 6 as amended March 5, 1862, laws of that year, p. 37.]

Certificate  
of incorpo-  
ration.

29. SEC. 7. Within three months after the organization of such society, the Board of Managers thereof shall cause to be filed in the office of the County Clerk of the county in which such society is organized, a certificate stating the name of the society, the purposes for which it was organized, the date of its organization, and the name of its officers, which certificate shall be signed by the President and Secretary of said society; a copy of such certificate, filed as aforesaid, and certified by the County Clerk, shall be received in all Courts and places as presumptive evidence of the matters therein stated.

Society not  
liable to  
be sued for  
premiums.

30. SEC. 8. It shall not be lawful for any person to sue such society for the failure to award any premium or premiums, or for a failure to pay the same when awarded.

31.

The following special Acts relate to the same subject matter:

An Act to authorize the Boards of Supervisors of Alameda and Santa Clara Counties to make appropriations to Agricultural Societies, Stats. 1860, p. 19.

Similar Acts for Contra Costa County, Stats. 1860, p. 146; 1861, p. 64.

Board of Supervisors of San Joaquin County to levy special tax for

assisting "San Joaquin Valley District Agricultural Society," Stats. 1860, p. 153; see, also, Stats. 1861, p. 40.

Mayor and Common Council of Marysville to levy tax, etc., for benefit of certain society, Stats. 1861, p. 60.

Appropriation for maintenance and support of certain societies, Stats. 1861, p. 407.

San Joaquin County to issue bonds for agricultural uses, Stats. 1863, pp. 7, 25.

Placer County to appropriate money for support of agricultural association, Stats. 1863, p. 358.

Formation of "Tehama County Stock Breeders' Association," Stats. 1863-4, p. 292.

For improvement of Napa County by means of agricultural society and State Agricultural College, Stats. 1863-4, p. 366.

Resolution in regard to donation of land by United States for benefit of agriculture, etc., Stats. 1863-4, p. 541.

See, also, ESTRAYS; FENCES; HOGS; COLLEGES; MINING and ARTS COLLEGES.

See, also, Civil Code, CORPORATIONS.

## CHAPTER III.

### ALAMEDA COUNTY.

SECTION 32. Reference to special and local Acts.

32.

Reference  
to special  
and local  
Acts.

Boundaries, Stats. 1853, p. 56.

Seat of justice, Stats. 1853, p. 56; 1856, p. 26.

Creating Alameda County and providing for organization, Stats. 1853, pp. 56, 80; 1854, p. 219; 1856, p. 26; 1858, p. 208.

Fixing time of holding Courts authorized to be held by County Judge, Stats. 1854, p. 42; 1857, p. 253; 1861, p. 8.

Incorporating Town of Alameda, Stats. 1854, p. 76.

To adjust indebtedness to Santa Clara County, and provide for payment, Stats. 1854, pp. 186, 219; 1857, p. 105.

Creating Board of Supervisors, Stats. 1855, p. 37; 1856, p. 78.

Authorizing Board of Supervisors to reassess taxable property, etc., Stats. 1855, p. 227.

Authorizing Sheriff to collect delinquent taxes assessed in 1854, 1855, and 1856, Stats. 1856, p. 74.

For relief of J. S. Marston, late Treasurer, Stats. 1857, p. 9.

Granting Sheriff additional time to make annual settlement for collection of taxes for 1856, Stats. 1857, p. 34.

Authorizing Board of Supervisors to levy special tax, Stats. 1857, p. 205.

Reference  
to special  
and local  
Acts.

Fixing compensation of Assessor and his deputies, Stats. 1857, p. 256; 1858, p. 19.

Fixing compensation of Sheriff, Stats. 1857, p. 256; 1858, p. 112.

Fixing compensation of Treasurer, Stats. 1858, p. 112.

To adjust amount of indebtedness to Contra Costa County, and provide for payment, Stats. 1858, p. 160.

Concerning roads and highways, Stats. 1858, p. 297; 1860, p. 119; 1862, p. 78; 1863, p. 576. ●

Authorizing Board of Supervisors to levy special tax for school purposes, Stats. 1859, p. 37.

Fixing salary of County Judge, Stats. 1859, p. 244.

To improve navigation of San Antonio Creek, Stats. 1859, p. 327.

Authorizing C. Minturn and others to construct and maintain wharf at Castro's Landing, Stats. 1859, p. 361.

Authorizing Board of Supervisors to make appropriations to agricultural societies, etc., Stats. 1860, p. 19.

Providing for opening channel across bar at mouth of San Antonio Creek, Stats. 1860, p. 162; 1861, p. 20.

Authorizing and empowering Juana M. Estudillo to sell and convey interest of her infant child in certain real estate, Stats. 1861, p. 169.

Granting right of way for railroad from Corral Hollow to San Joaquin River, Stats. 1861, p. 309.

Concerning fees of Sheriff, Clerk, Recorder, and Treasurer, Stats. 1861, p. 477.

Authorizing H. Thorne and others to reconstruct and make wagon road, Stats. 1862, p. 240; 1863, p. 578.

Authorizing C. C. Bowman and associates to construct wharf at western end of Encinal of San Antonio, Stats. 1862, p. 334.

Providing for equitable adjustment of claims arising from indebtedness of Contra Costa County, etc., Stats. 1862, p. 405.

Authorizing and requiring Board of Supervisors to pay claim of W. M. Gorham, Stats. 1862, p. 446.

Providing for election of two additional Supervisors, Stats. 1863, p. 172.

Authorizing Treasurer to collect taxes, Stats. 1863, p. 352; 1863-4, p. 44.

Authorizing Board of Supervisors to take and subscribe \$220,000 to stock of Alameda Valley Railroad Company, etc., Stats. 1863, p. 365.

Authorizing and empowering Board of Supervisors to improve navigation of San Antonio Creek, Stats. 1863, p. 483; 1863-4, p. 274.

Authorizing San Francisco and Alameda Railroad Company to construct and maintain wharf at western end of Encinal of San Antonio, Stats. 1863, p. 499.

Regulating fees of officers, Stats. 1863, p. 544; 1863-4, p. 438.

Concerning fees of jurors, Stats. 1863, p. 740.

For assessing and collecting taxes, Stats. 1863-4, p. 95.

Providing for election of Township Assessors, Stats. 1863-4, p. 243.

Providing for erection of jail and repair of Court House, Stats. 1863-4, p. 244.

Providing for time of holding County Court and Probate Court, Stats. 1863-4, p. 295. Reference  
to special  
and local  
Acts.

Authorizing A. B. Forbes and associates to construct wharf at Green Point, Stats. 1863-4, p. 315.

Mileage to grand and trial jurors, Stats. 1866, p. 167.

Appointment of Notaries Public, Stats. 1866, p. 234; 1870, p. 802.

Hogs running at large, Stats. 1866, p. 323.

Stallions running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.

Terms of District Court, Stats. 1866, p. 328.

Roads and highways, Stats. 1866, p. 566; 1868, p. 374; 1870, p. 456.

Public pounds for estrays, Stats. 1866, p. 612; 1868, p. 479; 1870, p. 306.

Public schools in, Stats. 1866, p. 659.

To legalize the location of the San Francisco and Alameda Railroad, Stats. 1868, pp. 5, 427.

For the relief of Henry N. Morse, Sheriff, Stats. 1868, p. 40; 1870, p. 121.

To authorize Z. B. Heywood and others to construct a wharf, Stats. 1868, p. 87.

To provide for the election of Township Assessors, Stats. 1868, p. 139.

Election of additional Supervisors, Stats. 1868, p. 147.

Auditor to certify to money in treasury, Stats. 1868, p. 166.

To authorize Antonio Giorgiana and others to maintain a wharf, Stats. 1868, p. 200.

To provide for the erection of a jail and County Recorder's office, Stats. 1868, p. 308.

To provide for the payment of the State's portion of the salaries of the County Auditors, Stats. 1868, p. 370.

Regulating bond of Recorder, Stats. 1870, p. 59.

Franchise to Gideon Aughinbaugh and others for wharf at Encinal, Stats. 1868, p. 485.

Navigable streams in, Stats. 1868, pp. 486, 680.

To separate the office of County Recorder from County Clerk, and for the election of County Recorder, Stats. 1868, p. 554; 1870, p. 76.

Franchise to Board of Supervisors for bridge and roadway, Stats. 1870, p. 296.

To legalize conveyances made by G. C. Thomson, Stats. 1870, p. 280.

Destruction of squirrels, Stats. 1870, p. 316.

Act in relation to herding sheep, Stats. 1870, p. 304.

Protection of fish and game, Stats. 1870, p. 325.

To prevent hunting on private grounds, Stats. 1870, p. 343.

To fix the compensation of Under Sheriff, Stats. 1870, p. 453.

Legal distances to Capital, Stats. 1870, p. 568.

Boundary line between Brooklyn and Oakland, Stats. 1870, p. 680.

Delinquent taxes, collection of, Stats. 1870, p. 722.

Reference  
to special  
and local  
Acts.

Superintendent of Common Schools to be a member of the State Board of Education, Stats. 1870, p. 824.

To authorize the sale of property of minor children, Stats. 1870, p. 634.

#### CITY OF OAKLAND.

Incorporating Town of Oakland and providing for construction of wharves, Stats. 1852, p. 180; 1854, p. 52.

Incorporating City of Oakland, Stats. 1854, p. 46; 1857, p. 181; 1860, p. 67; 1861, pp. 367, 384; 1862, p. 337; 1863, pp. 471, 773; 1863-4, p. 393.

To provide for funding outstanding debt and prevent creation of new debts, Stats. 1855, p. 218; 1858, p. 308; 1861, p. 99.

To provide for collection of delinquent taxes, Stats. 1861, p. 285.

Granting to R. Gibbons and others right to construct and maintain a railroad through certain streets, Stats. 1861, p. 656.

Legalizing assessment and levy of city taxes, and authorizing collection of same, Stats. 1862, p. 485.

Ratifying and confirming ordinance passed by Common Council concerning San Francisco and Oakland Railroad, Stats. 1863, p. 691.

Authorizing City Council to improve streets, lanes, alleys, courts, and places, Stats. 1863-4, p. 333.

Oakland Railroad Company granted the right of way for track, Stats. 1866, p. 164; 1868, p. 31.

To establish a Police Court, Stats. 1866, p. 193.

Creating a Board of Education, Stats. 1866, p. 529.

In relation to the City Courts, Stats. 1866, p. 567.

Franchise to R. J. Vandewater to railroad in streets of, Stats. 1866, p. 605.

To postpone the next charter election, Stats. 1868, p. 148.

To provide funds for the School Department, Stats. 1868, p. 148.

Empowering the City Council to remove obstructions at San Antonio Creek, Stats. 1868, p. 501.

Corporate name of First Congregational Church changed, Stats. 1868, p. 708.

To authorize the City Council to lay out, open, or improve streets, Stats. 1870, pp. 38, 443.

Ratifying and confirming action for relief of John Scott, Stats. 1870, p. 89.

Ordinance to light streets confirmed, Stats. 1870, p. 302.

To provide funds for the School Department, Stats. 1870, p. 370.

To establish and define the powers and duties of the Board of Education, Stats. 1868, p. 171.

City Council to purchase land and erect a City Hall, and provide for the payment of the same, Stats. 1868, pp. 196, 493.

To enable the city to settle its controversies, Stats. 1868, p. 222.

Franchise granted to E. Tompkins and others to lay railroad track in streets of, Stats. 1868, p. 475.

To provide for paying certain claims against the city, and to contract a funded debt, Stats. 1870, p. 372.



Construction of swing and drawbridge across San Antonio Creek authorized, Stats. 1870, p. 693.

Reference  
to special  
and local  
Acts.

Exempted from provisions of Act concerning wharves, Stats. 1870, p. 698.

Regulating collection of delinquent taxes, Stats. 1870, p. 722.

#### TOWN OF BROOKLYN.

Act of incorporation of and defining boundaries, Stats. 1870, p. 680.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Sec. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER IV.

### ALPINE COUNTY.

SECTION 33. Reference to special and local Acts.

33.

Reference  
to special  
and local  
Acts.

The Act creating Alpine County, defining its boundaries and providing for its organization, will be found Stats. 1863-4, p. 178.

An Act defining legal distances from county seat to Capital, Lunatic Asylum, and State Prison, Stats. 1863-4, p. 306.

Incorporation of Town of Markleeville, Stats. 1863-4, p. 441.

Legalizing assessment for taxes, Stats. 1866, p. 30.

Hospital Fund abolished and contingent expenses provided for, Stats. 1866, p. 121.

Salaries of County Judge and District Attorney, Stats. 1866, p. 123.

Meetings of Board of Supervisors, Stats. 1866, p. 154.

Public roads and Road Fund, Stats. 1866, p. 167.

Reference  
to special  
and local  
Acts.

Toll for transportation of wood and logs down Carson River, Stats. 1866, p. 350.

Sheriff McBeth to execute certain deeds, Stats. 1866, p. 512.

Payment of debt due to Amador County, Stats. 1866, p. 629; 1868, p. 81; 1870, p. 385.

Terms of District Court in, Stats. 1866, p. 863; 1868, p. 33.

To prevent stallions from running at large, Stats. 1870, p. 68.

Act for the relief of R. M. Folger, Stats. 1870, p. 358.

Delinquent taxes, Act in relation to, Stats. 1870, p. 653.

For the relief of Anna Lee, Stats. 1868, p. 664.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys and the laws providing for the incorporation of cities and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201 for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER V.

### AMADOR COUNTY.

#### SECTION 34. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 34.

Boundaries, Stats. 1854, p. 157; 1855, pp. 113, 134; 1857, p. 251; 1863, p. 231; 1863-4, p. 171.

Seat of justice, Stats. 1854, p. 157; 1855, p. 135.—Id.

Granting to electors of Calaveras County privilege to vote for or against division of county, and to organize Amador County, Stats. 1854, p. 156.

Attaching portion of El Dorado County to Amador County, Stats. 1855, p. 113.

Reference  
to special  
and local  
Acts.

Providing for ascertainment of indebtedness of Calaveras County prior to organization of Amador County, and to provide for payment of portion due from Amador, etc., Stats. 1855, p. 165.

Concerning office of Public Administrator, Stats. 1856, p. 80; 1858, pp. 114, 297; 1859, pp. 24, 96, 234.

Fixing compensation of Supervisors, Stats. 1857, p. 239.

Fixing time of holding County Court and Court of Sessions, Stats. 1859, p. 32.

Regulating fees of certain officers, Stats. 1859, p. 159.

Fixing time at which county officers shall be elected, Stats. 1858, p. 236.

Fixing compensation of members of Board of Supervisors, Stats. 1860, p. 20.

Granting further powers to Board of Supervisors (to erect guide-boards), Stats. 1860, p. 187.

In relation to revenue (duty of Assessor), Stats. 1861, p. 56.

Providing for construction of wagon road from Antelope Springs to Hope Valley, Stats. 1861, p. 67.

Granting right to construct turnpike between Jackson and Ione City, Stats. 1861, p. 95; 1862, p. 6.

Providing for collection of delinquent taxes, Stats. 1861, p. 216.

In relation to Sutter Creek in Ione City and vicinity, etc., Stats. 1861, p. 267.

Granting right to construct bridge across Mokelumne River, at Middle Bar, to A. Denzler and associates, Stats. 1862, p. 16.

Authorizing Board of Supervisors to levy special tax and create Redemption Fund for payment of outstanding road warrants, Stats. 1862, p. 24; 1863, p. 185.

In relation to public roads and Road Fund, Stats. 1862, p. 47; 1863, p. 319.

Granting right to construct bridge across Mokelumne River at Big Bar, and to construct and maintain road from Mokelumne Hill to Butte, Stats. 1862, p. 76.

For relief of W. J. Paugh, late Sheriff, Stats. 1862, p. 116.

Granting to E. P. Bowman and associates right to construct and maintain toll bridge across Cosumnes River, Stats. 1862, p. 131.

Providing for construction of wagon road from Antelope Springs, by Safford survey, to Hope Valley, Stats. 1862, p. 284.

Authorizing executrix and executor of John Frye, deceased, to sell real estate, Stats. 1862, p. 329.

Creating offices of Township Collectors and Assessors, Stats. 1862, p. 43; 1863, p. 44; 1863-4, p. 466.

Granting to Larkin Lamb and associates right to construct and maintain toll bridge across Cosumnes River, Stats. 1863, p. 40.

Granting right to construct turnpike from Doshe's store, in Ione Valley, to Jackson, Stats. 1863, p. 93; 1863-4, p. 65.

Granting right to construct turnpike from Fiddletown to Pokerville, Stats. 1863, p. 120.

Reference  
to special  
and local  
Acts.

Defining boundary line between Amador and El Dorado Counties  
Stats. 1863, p. 231.

Authorizing Board of Supervisors to levy additional tax for county  
expenditures, Stats. 1863, p. 304.

Providing for furnishing county officers with statutes and Supreme  
Court Reports, Stats. 1863, p. 306.

Granting right to construct turnpike from Sutter Creek to Volcano  
Stats. 1863, p. 309.

Authorizing sale of certain property of Jesse Cope and other minors  
Stats. 1863, p. 316.

Granting right to construct turnpike between Pine Grove and Antelope  
Springs, Stats. 1863, p. 329.

Granting right of way over certain lands, for construction of wagon  
road, to W. B. Carr and associates, Stats. 1863, p. 330.

Granting to J. McNealy and associates right to construct and main-  
tain toll bridge across Mokelumne River, Stats. 1863, p. 485.

To create and organize Fire Department for Jackson, Stats. 1863,  
p. 671.

Legalizing assessment of taxes, Stats. 1863-4, p. 66.

Changing time for holding County Court and Probate Court, Stats.  
1863-4, p. 91.

Authorizing Board of Supervisors to levy additional tax for county  
expenditures, Stats. 1863-4, p. 107.

Granting right to construct turnpike between Pine Grove and point  
on road leading up middle fork of Jackson Creek, etc., Stats. 1863-4,  
p. 122.

Creating Alpine County, Stats. 1863-4, p. 178.

Changing time for holding County and Probate Courts, Stats. 1863,  
p. 9.

Legalizing taxes in part of, Stats. 1866, p. 30.

Canal companies incorporated, Act amended, Stats. 1866, pp. 53, 604,  
1868, p. 134.

Additional tax for county expenses, Stats. 1866, p. 68.

Indigent sick, Act in relation to, Stats. 1866, p. 160.

Special tax for bridge purposes authorized, Stats. 1866, p. 162; 1868,  
p. 91.

To provide for keeper of public jail, Stats. 1866, p. 316.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868,  
p. 70; 1870, p. 68.

Franchise to M. Heffran and others for turnpike road, Stats. 1866,  
p. 465.

Payment of interest on debt to Calaveras County, Stats. 1866, pp.  
471, 629.

Township Collectors and Assessors, Act amendatory, Stats. 1866, pp.  
474, 618.

Franchise to F. A. Bishop and others for turnpike road, Stats. 1866,  
p. 478.

Turnpike road from Doshe's store, Act amended, Stats. 1866, p. 514.

**To provide for payment of debt of Alpine County, Stats. 1868, pp. 81, 629.**

Reference  
to special  
and local  
Acts.

**Powers and duties of Supervisors, Stats. 1866, p. 539. [Repealed by Act of 1868, p. 576.]**

**To levy special tax for bridge purposes, Stats. 1868, p. 91.**

**Franchise to R. Stewart and others for a turnpike road to Antelope Springs, Stats. 1868, p. 801.**

**Exempted from Act incorporating canal companies, Stats. 1866, p. 605.**

**Legalizing acts of Board of Supervisors acting as Board of Equalization, Stats. 1868, p. 84.**

**Salary of Superintendent of Schools, Stats. 1868, p. 279.**

**Act incorporating canal companies not to apply to, Stats. 1866, p. 134.**

**Hogs running at large, Act repealed, Stats. 1868, p. 430.**

**To levy additional tax for county purposes, Stats. 1870, p. 65.**

**Legalizing election of officers, Stats. 1870, p. 71.**

**Granting leave of absence to County Clerk, Stats. 1870, p. 85.**

**Act in relation to phonographic reporters, Stats. 1870, p. 325.**

**Redemption of outstanding warrants of, Stats. 1870, p. 337.**

**Tax for county expenditures, Stats. 1870, p. 60.**

**Act to provide for payment of debt due by Alpine County, Stats. 1866, p. 629; 1868, p. 81; 1870, p. 385.**

**Granting leave of absence to District Attorney, Stats. 1870, p. 388.**

**Public roads and Road Fund, Stats. 1870, p. 567.**

**Township Collectors and Assessors, Act creating offices repealed, Stats. 1870, p. 637.**

**For the relief of Francis McGrath, Stats. 1870, p. 804.**

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER VI.

## AMENDMENTS TO CONSTITUTION.

## ● SECTION 35. Reference to amendments to State Constitution.

Reference  
to amend-  
ments to  
State Con-  
stitution.

## 35.

The Legislature of 1855 proposed certain amendments to the Constitution, which will be found in Stats. 1855, p. 311. The Legislature of 1856, by an Act approved April 19 (Stats. 1856, p. 138), agreed to one of them, and provided for its submission to the people. It was approved and ratified at the next general election. The amendment, which was to section two of Article X, will be found inserted in its proper place in the printed Constitution.

The next legislation on the subject was an Act, approved March 31 (Stats. 1857, p. 161), recommending electors to vote for or against a Convention to revise and change the Constitution. Another Act of the same nature was approved April 12 (Stats. 1859, p. 226); and still another, approved April 28 (Stats. 1860, p. 335.)

The Legislature of 1861 proposed a number of amendments (see Stats. 1861, p. 661), and passed an Act approved May 20 (Stats. 1861, p. 585), providing for their publication and reference to the next Legislature. The Legislature of 1862 agreed to nearly all of them in substance, though with some changes of form (see Stats. 1862, p. 581, and compare with Stats. 1861, p. 661), and by Act approved April 25 (Stats. 1862, p. 434), provided for their submission to the people; and they were ratified at the next general election. A concurrent resolution was adopted March 21 (Stats. 1863, p. 785), declaring what the amendments were. They will be found inserted in their places in the printed Constitution.

The Legislature of 1862 proposed an amendment in regard to special legislation (see Stats. 1862, p. 588), but no further action has been taken in regard to it. As some of the amendments adopted in 1862 were originally proposed in 1855, so this proposed amendment of 1862 may be the subject of further action.

The Legislature of the State of California, at its sixteenth session, commencing on the fourth day of December, A. D. 1865, proposed the following additional section to Article I of the Constitution: SEC. 22. The Legislature shall have no power to make an appropriation of money, for any purpose whatever, for a longer period than two years. An Act to provide for the submission of the above amendment, approved March 24, 1870, will be found on pages 367, 368, of statutes of 1869-70.

This amendment was ratified by the people at the next general election.

## CHAPTER VII.

### AMUSEMENTS.

SECTION 36. Reference to Acts regulating amusements.

36.

An Act to regulate and license places of public amusement, approved April 13, 1863, p. 252.

Reference  
to Acts  
regulating  
amuse-  
ments.

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## CHAPTER VIII.

### ANATOMY.

SECTION 37. Reference to Acts concerning anatomy.

37.

An Act to promote the study of anatomy, approved April 4, 1864, Stats. 1863-4, p. 321.

Amendment to an Act to promote the study of anatomy, approved April 4, Stats. 1863-4, p. 321; approved March 20, 1866, p. 326.

An Act to promote the study of anatomy, approved March 26, 1870, p. 405.

Reference  
to Acts  
concerning  
anatomy.

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## CHAPTER IX.

### APPRENTICES.

SECTION 38. Reference to Acts relating to apprentices.

38.

An Act to provide for binding minors as apprentices, clerks, and servants, approved April 10, 1858, p. 134.

An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks, and servants orphan and half-orphan children under their care and tuition, approved February 22, 1860, p. 37.

Act relating to the indenturing of minors, approved May 12, 1862, and amendatory Acts, Stats. 1863, p. 59.

Also, supplementary to an Act to authorize the Board of Managers of any orphan asylum society in this State to bind, as apprentices,

Reference  
to Acts  
relating to  
apprentices.

orphan and half-orphan children under their care and tuition, approved February 22, 1860, p. 37; approved March 18, 1870, p. 334.

The provisions of Secs. 4, 5, 6, 7, and 8 of the Act of 1860, p. 37, to which the above Act was supplementary, were made to apply to Trustees of the San Francisco Lying-in Hospital and Foundling Asylum, by an Act approved March 18, 1870, p. 338.

See Civil Code, Sec. 264, et seq., superseding these Acts.

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## CHAPTER X.

### ARCHIVES.

**SECTION 39.** Reference to Acts and resolutions concerning archives of the State in Secretary of State's office.

Reference  
to Acts and  
resolutions  
concerning  
archives of  
the State in  
Secretary  
of State's  
office.

#### 39.

An Act concerning the public archives, passed January 5, 1850, p. 45.

An Act concerning the archives now remaining in Monterey, passed May 1, 1851, p. 443.

[This Act required the Secretary of State to employ a suitable person to examine the Spanish archives in Monterey; and provided for the arrangement, classification, and indexing of all relating to land titles, conveyances, judicial proceedings, denouncement of mines, and miscellaneous documents concerning the rights and property of individuals, which, with the exception of such as related to real estate in Monterey County, were directed to be placed in the department of the Secretary of State. Those relating to the Custom House and military were directed to be delivered to such person as might be authorized by the United States to receive them.]

An Act to provide for the payment of the expenses in removing the archives of State from San José to Vallejo, and thence to Sacramento, was approved January 30, 1852, p. 54. See, also, joint resolutions approved January 16, 1852, p. 284, and January 21, 1852, p. 285.

An Act to be entitled an Act directing the removal of the archives and State officers to the City of Vallejo, was approved April 30, 1852, p. 128.

An Act to protect the archives of State, and prevent their removal from Benicia (to which the seat of Government had been transferred by Act of February 4, 1853, p. 24, whence it was transferred to Sacramento by Act of February 25, 1854, p. 7), was approved May 18, 1853, p. 270.

Concurrent resolution, passed April 16, 1858, p. 357.

An Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office, approved March 18, 1864, Stats. 1863-4, p. 191.

An Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of



the United States Surveyor General for California, approved March 20, 1866, p. 312.

An Act amendatory to the foregoing Act, approved March 30, 1868, p. 672.

See SECRETARY OF STATE, Political Code, Sec. 261, et seq.

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## CHAPTER XI.

### ASSAYER OF STATE.

SECTION 40. Reference to Acts.

40.

Reference  
to Acts.

An Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties, passed April 20, 1850, p. 338, was repealed by Act of January 28, 1851, p. 307.

An Act to provide for the appointment of a State Assayer of Ores and Metals, and to define his duties, approved March 14, 1860, p. 89.

See special Act of May 20, 1861, p. 566.

This office repealed by Political Code, Sec. 7.

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## CHAPTER XII.

### ASSESSOR OF COUNTY—(See REVENUE.)

SECTION 41. Reference to duties of Assessor.

41.

Reference  
to duties of  
Assessor.

The entire law as to the term and duties of the County Assessors appears to be contained in Acts relating also to other and more general subjects, except special and local Acts, which will be found referred to under the heads of the counties to which they apply.

The old statutes on the subject were:

An Act concerning the office of County Assessor, passed March 27, 1850, p. 117, and the amendatory Acts of May 5, 1853, p. 138, and March 15, 1860, p. 99.

To correct information relative to agriculture, Stats. 1866, p. 201.

To assess dogs, Stats. 1866, p. 225.

Duties under registry law, Stats. 1866, p. 290.

Property exempt to be entered on roll, Stats. 1866, p. 348.

To note exemption from poll tax, Stats. 1866, p. 734.

Duties in regard to State revenue, Stats. 1868, pp. 82, 674.

Salaries and compensation in certain counties, Stats. 1868, p. 449.

## ATTORNEY GENERAL.

To complete work imperfectly performed, Stats. 1870, p. 530.

For local Acts, see under the various counties.

See REVENUE.

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## CHAPTER XIII.

### ASSIGNABILITY OF INSTRUMENTS IN WRITING.

SECTION 42. Reference to Acts relative to assignability of instruments in writing.

Reference  
to Acts  
relative to  
assignabil-  
ity of in-  
struments  
in writing.

42.

An Act relative to bonds, due bills, and other instruments in writing, and making them assignable, passed April 20, 1850, p. 332.

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## CHAPTER XIV.

### ATTORNEY GENERAL.

SECTION 43. Reference to Acts concerning office of Attorney General.

Reference  
to Acts  
concerning  
office of  
Attorney  
General.

43.

An Act concerning the office of Attorney General, passed February 2, 1850, p. 55.

An Act the better to enable the collection of judgments in favor of the State, approved April 14, 1858, p. 159.

An Act to enable the Attorney General to employ a clerk, approved April 3, 1862, p. 104.

Amendatory Act, April 4, 1864, Stats. 1863-4, p. 360.

Authorized to survey route for canal in the Counties of Colusa, Yolo, and Solano, Stats. 1866, p. 451.

Appointed member of Board of Appraisers on land granted to Terminal Railway Company, Stats. 1868, p. 474.

Duties of, on sale and management of State lands, Stats. 1868, p. 511.

Duties of, as to Tide Land Commission, Stats. 1868, p. 722.

Appointment on Board of Judges, Stats. 1870, p. 79.

Time prescribed for report to be made to Governor, Stats. 1870, p. 333.

Appointment on Board of Orphan Asylum Commissioners, Stats. 1870, p. 425.

To designate State paper, Stats. 1870, p. 510.

To enforce, by suit, statement of money on deposit for tax for mortgage, Stats. 1870, p. 710.

Appropriations for department of, Stats. 1870, p. 735.

See Political Code, Sec. 332, et seq., superseding these Acts.

## CHAPTER XV.

### ATTORNEYS AND COUNSELORS AT LAW.

SECTION 44. Reference to Acts concerning attorneys and counselors at law.

44.

An Act concerning attorneys and counselors at law, passed February 19, 1851, p. 48.

Amendatory Acts, March 5, 1861, p. 40, and March 2, 1859, p. 60.

An Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April 25, 1863, p. 566.

Amendment to an Act entitled an Act concerning attorneys and counselors at law, approved February 19, 1851, p. 48; approved April 1, 1870, p. 578.

An Act to exclude traitors and alien enemies from Courts of justice of Stats. 1863, p. 566, was repealed by Act approved January 17, 1868, p. 8.

See Code of Civil Procedure, Sec. 275, et seq., superseding these Acts.

Reference to Acts concerning attorneys and counselors at law.

### AUCTIONEERS—(See REVENUE.)

## CHAPTER XVI.

### BAILIFF OF SUPREME COURT.

SECTION 45. Reference to Acts relative to Bailiff of Supreme Court.

45.

An Act creating the office of Bailiff of the Supreme Court, approved April 6, 1863, p. 172.

Amendatory Act of March 16, 1863, Stats. 1863-4, p. 186.

See Code of Civil Procedure, Sec. 265.

Reference to Acts relative to Bailiff of Supreme Court.

## CHAPTER XVII.

### BANKING AND PAPER MONEY.

SECTION 46. Reference to Acts concerning banking and paper money.

46.

An Act to prohibit any person or persons, association, company, or corporation from exercising the privileges of banking or creating paper to circulate as money, approved April 19, 1855, p. 128.

Reference to Acts concerning banking and paper money.

## CHAPTER XVIII.

## BILLS OF EXCHANGE AND PROMISSORY NOTES.

SECTION 47. Reference to Acts relating to bills of exchange and promissory notes.

Reference  
to Acts  
relating  
to bills of  
exchange  
and  
promissory  
notes.

47.

An Act relating to bills of exchange and promissory notes, passed April 16, 1850, p. 247.

An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, passed April 2, 1851, p. 523.

An Act in relation to bills of exchange and other negotiable instruments, approved May 8, 1861, p. 310.

See Civil Code, Sec. 3171, et seq.

## CHAPTER XIX.

## BONDS OF COUNTIES AND CITIES.

SECTION 48. Reference to Acts relative to redemption of bonds.

Reference  
to Acts  
relative to  
redemption  
of bonds.

48.

An Act concerning the redemption of county and city bonds, approved May 14, 1862, p. 550.

[The Acts authorizing the issuance of bonds by counties and cities, for various purposes, will be found referred to under the various counties. The general Acts on the subject are as follows:

For county aid to railroads, Stats. 1870, p. 746; by counties south of Santa Clara, in aid of Southern Pacific Railroad, Stats. 1866, p. 816.]

See Political Code, Part IV.

## CHAPTER XX.

## BONDS OF OFFICERS.

SECTION 49. Reference to Acts concerning bonds of officers.

Reference  
to Acts  
concerning  
bonds of  
officers.

49.

An Act concerning the official bonds of officers, passed February 28, 1850, p. 74.

An Act to provide for security to be given by county officers acting under appointments, etc., approved May 17, 1853, p. 196. Same.

An Act concerning sureties on official bonds, approved May 18, 1853, p. 223.

An Act concerning the official bonds of Justices of the Peace in the First Judicial District, approved March 31, 1857, p. 154.

An Act concerning official and other bonds, approved April 2, 1857, p. 167.

An Act in relation to suits brought on bonds and obligations in favor of the State, approved April 2, 1857, p. 173.

An Act concerning official bonds of Justices of the Peace and Constables of the counties of this State, approved March 29, 1858, p. 100.

Amendatory Act, March 4, 1859, p. 71.

Supplemental Act concerning official bonds, approved March 24, 1866, p. 377.

See Political Code.

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## CHAPTER XXI.

### BONDS OF STATE.

SECTION 50. Board of Examiners authorized to make proposals for purchase of bonds.

51. If proposal is accepted, payment to be made in civil bonds of 1867.

52. Moneys, how applied. To be credited to School Fund.

53. Duration of Act.

54. Bonds to be prepared. Interest. Name of bonds.

55. Tax to be levied.

56. Redemption.

57. Disposal of bonds.

58. Delivery. Proceeds of sale.

59. Payment for work on Capitol. Governor's Mansion.

60. County Auditors to have notice.

61. Appropriation of moneys.

62. Reference to special Acts.

*An Act in relation to the purchase and sale of State bonds.*

[Approved April 2, 1866, p. 856.]

[Enacting clause.]

50. SECTION 1. Whenever, on the first day of January or July in any year, the Treasurer of State shall advertise, as required by law, for the surrender

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**First Judicial District,** approved March 31, 1857, p. 154.

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**p. 167.**

**An Act** in relation to suits brought on bonds and obligations in favor  
**of the State,** approved April 2, 1857, p. 173.

**An Act** concerning official bonds of Justices of the Peace and Con-  
**stables** of the counties of this State, approved March 29, 1858, p. 100.

**Amendatory Act,** March 4, 1859, p. 71.

**Supplemental Act** concerning official bonds, approved March 24, 1866,  
**p. 377.**

**See Political Code.**

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## CHAPTER XXI.

### BONDS OF STATE.

**SECTION 50.** Board of Examiners authorized to make proposals for  
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51. If proposal is accepted, payment to be made in civil  
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52. Moneys, how applied. To be credited to School Fund.

53. Duration of Act.

54. Bonds to be prepared. Interest. Name of bonds.

55. Tax to be levied.

56. Redemption.

57. Disposal of bonds.

58. Delivery. Proceeds of sale.

59. Payment for work on Capitol. Governor's Mansion.

60. County Auditors to have notice.

61. Appropriation of moneys.

62. Reference to special Acts.

*An Act in relation to the purchase and sale of State  
bonds.*

[Approved April 2, 1866, p. 856.]

[Enacting clause.]

**50. SECTION 1.** Whenever, on the first day of  
January or July in any year, the Treasurer of State  
shall advertise, as required by law, for the surrender

Board of  
Examiners  
authorized  
to make  
proposals  
for  
purchase  
of bonds.

of civil bonds issued under the Acts of eighteen hundred and fifty-seven and eighteen hundred and sixty, the Board of Examiners, composed of the Governor, the Secretary of State, and the Attorney General, are hereby authorized and empowered to make proposals to the State Treasurer for the surrender of State bonds issued under the provisions of the Act named herein. Said proposals shall be made in accordance with law, and shall be received by the Treasurer of State in the same manner and under the same restrictions as if received from individuals; and if, upon the opening of said proposals, it is found that the Board of Examiners have submitted the lowest proposals, not exceeding par value, as will redeem the greatest amount of bonds, then it shall be the duty of the Treasurer of State to accept the proposals of the said Board in accordance with the provisions of his advertisement.

If proposal  
accepted,  
payment to  
be made in  
civil bonds  
of 1867.

51. SEC. 2. If, at any time, proposals for the surrender of bonds shall be made by the Board of Examiners, and accepted by the Treasurer of State, as provided in section one of this Act, it shall be the duty of the said Board, and they are hereby authorized and empowered to take from the civil bonds of eighteen hundred and fifty-seven or eighteen hundred and sixty, deposited in the State Treasury to the credit of the School Fund, a sufficient amount of State bonds to make up the sum proposed to be surrendered, and deliver them to the Treasurer of State, whose duty it shall be to receive and cancel the same. And it shall be the duty of the Treasurer of State, and he is hereby authorized and empowered to set aside to the credit of the said Board of Examiners, the amount to which they are entitled in accordance with their proposals, in gold coin, to be used and applied by the said Board as provided in section three of this Act, and for no other purpose whatever.



52. SEC. 3. Whenever the Board of Examiners shall make proposals for the surrender of bonds, and the Treasurer of State shall accept such proposals, and pay for said bonds as provided in sections one and two of this Act, it shall be the duty of the said Board to apply all the money so received to the purchase of State bonds issued under an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four; and all the bonds so purchased shall be deposited by the said Board in the State Treasury to the credit of the School Fund of this State, and shall be marked "School Fund," as required by law.

Moneys,  
how  
applied.

To be  
credited  
to School  
Fund.

53. SEC. 4. This Act shall take effect and be in force from and after its passage, and shall continue in force until all the bonds provided by the bounty Act, approved April fourth, eighteen hundred and sixty-four, shall have been sold; *provided*, that when all of said bounty bonds shall have been disposed of, in accordance with the Act providing for their issue, then and from that date the provisions of this Act shall cease, and all the duties and powers prescribed herein shall be fully abrogated.

Duration  
of Act.

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*An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol Bonds.*

[Approved April 4, 1870, p. 724.]

[Enacting clause.]

54. SECTION 1. It shall be the duty of the State Treasurer to prepare and have ready for delivery on

Bonds to be  
prepared.

the first of July, eighteen hundred and seventy, except the signatures to the bonds, two hundred and fifty bonds of this State for the sum of one thousand dollars each, said bonds to bear date on the first of July, eighteen hundred and seventy, and to be payable in the gold coin of the United States, at the office of the State Treasurer, fifteen years after date. Said bonds shall bear interest at the rate of seven per centum per annum, payable in gold coin, semi-annually, on the first day of January and the first day of July, at the office of the Treasurer, for which interest there shall be coupons attached to said bonds. Each bond shall be signed by the Governor, be countersigned by the Controller, and be indorsed by the Treasurer. These bonds shall be known as the State Capitol bonds, and the Controller and Treasurer shall each keep an account of them and of their redemption.

Interest.

Name of bonds.

Tax to be levied.

55. SEC. 2. For the purpose of paying the interest on said bonds as it accrues, and the principal when it becomes due, an ad valorem property tax of one and one half cents on one hundred dollars of taxable property within the State is hereby levied annually, until the whole of the bonds issued under this Act are paid. The moneys arising from said tax shall be kept in a distinct Fund, to be known as "The State Capitol Bonds Interest and Sinking Fund," and shall be used for no other purpose than paying the interest on said bonds as it accrues, and redeeming and paying the principal.

Redemption.

56. SEC. 3. Whenever, on the first day of February, in any year, there shall remain in the State Capitol Bonds Interest and Sinking Fund the sum of five thousand dollars or more, over and above a sufficient amount to pay all interest due or that may become due prior to the then next first day of January, the Treasurer shall advertise for at least thirty days,

in at least two newspapers published in each of the Same. Cities of Sacramento and San Francisco, that he will, at a day and hour named in such advertisement, open sealed proposals for the redemption of State Capitol Bonds to the amount, stating it, of the surplus money in said Fund; and at the time stated, the Treasurer and Controller shall open all such bids in public, and accept the offer or offers that are most advantageous to the State; *provided, however*, that no offer exceeding par value and accrued interest shall be accepted.

57. SEC. 4. The Board of State Capitol Commis- Disposal  
of bonds sioners shall, either at one time, or from time to time, as they deem proper, dispose of the whole or any part of said bonds, after having given at least ten days notice, by advertising in at least two newspapers published in each of the Cities of Sacramento and San Francisco, of the time when the Board will meet in the Secretary of State's office, and open bids for the purchase of (here stating the amount) State Capitol Bonds. And on the day and at the hour stated, the Board of Commissioners shall meet in the office of the Secretary of State, and in public open the bids received, and award the bonds to the party or parties who offer to pay the greatest price in gold coin therefor; *provided, however*, that said Board may reject all bids; and, *provided further*, that no sale of said bonds shall be made prior to the first of July, eighteen hundred and seventy.

58. SEC. 5. Whenever the Board of State Capitol Delivery Commissioners shall make a sale of any of said bonds, they shall certify the fact to the Controller and Treasurer, stating the name of each purchaser, the number of bonds bought by him, and the amount to be paid therefor; whereupon the proper number of bonds shall be signed, countersigned, and indorsed, and upon the payment of the proper sum to the Treasurer,

Proceeds  
of sale.

in gold coin, delivered to the purchaser. All moneys arising from the sale of said bonds shall be kept in a distinct Fund, to be known as the State Capitol Special Fund, and no part of it shall be used to pay any warrant or other debt for labor, work, material, or other thing done or furnished in, on, or about the State Capitol, or its construction, or furnishing, prior to the first day of June, eighteen hundred and seventy.

Payment  
for work  
on Capitol.

59. SEC. 6. For work or labor done, or material furnished in, on, or about the State Capitol, or its surrounding grounds and streets, after the first day of June, eighteen hundred and seventy, payments shall be made, so long as it lasts, out of the State Capitol Special Fund; *provided, however,* that the Board of State Capitol Commissioners may expend out of said State Capitol Special Fund a sum not exceeding fifty thousand dollars, for the purchase of suitable grounds and the erection thereon of a mansion or residence for the Governor of the State, and for the necessary inclosures, streets, sidewalks, and outbuildings on and around said lands.

Governor's  
Mansion.

County  
Auditors  
to have  
notice.

60. SEC. 7. The Controller shall notify the several County Auditors of the passage of this Act, and of its levy of a tax of one and one half cents on each one hundred dollars worth of property, and it shall be the duty of each County Auditor to add said one and a half cents to the other State taxes in his county.

Appropriation  
of  
moneys.

61. SEC. 8. So much money as may be necessary to carry this Act into effect, is hereby appropriated out of any unappropriated money in the General Fund, to be paid upon the certificate of the State Board of Examiners.

SEC. 9. This Act shall take effect upon its passage.

Reference  
to special  
Acts.

62. The references to special Acts in relation to the issue of State bonds are as follows:

Duplicates to issue to A. W. Pitcher, of Indiana, Stats. 1866, p. 378.  
Also, to representatives of J. D. Bodinier, deceased, Stats. 1866, p. 382.

Indian war bonds, appropriation for payment of, Stats. 1866, p. 516; 1868, pp. 468, 601; 1870, p. 698.

Tax reduced for bounties to volunteers, Stats. 1870, p. 318.

Treasurer to surrender certain bonds, Stats. 1870, p. 399.

For completion of State Capitol, Stats. 1870, p. 724.

To provide for payment of certain outstanding bonds of the State, Act approved March 30, Stats. 1868, p. 601.

Board of Examiners may make proposals for surrender of, Stats. 1866, p. 856.

## CHAPTER XXII.

### BOUNDARIES OF STATE.

SECTION 63. Reference to Acts concerning boundaries of State.

63.

Reference  
to Acts  
concerning  
boundaries  
of State.

The boundaries of the State are described in general terms in Article XII of the Constitution. The following are references to special Acts relating to the subject:

Providing for survey of northern boundary of State, Stats. 1854, p. 140.

Supplying deficiency in appropriation to provide for survey of northern boundary, Stats. 1855, p. 108.

Authorizing Governor, in conjunction with United States, to run and mark boundary lines between Territories and State, Stats. 1859, p. 313; 1860, p. 185.

To define and establish portion of eastern boundary of State, Stats. 1860, p. 184; 1861, p. 74.

Providing Commissioner to coöperate with one appointed on behalf of United States to ascertain and mark portion of eastern boundary of State, Stats. 1861, p. 73.

In relation to commission appointed on behalf of State to run and mark eastern boundary line of State, Stats. 1861, p. 587.

Providing for surveying and establishing eastern boundary of State, Stats. 1863, p. 617.

Resolution in regard to extending eastern boundary, Stats. 1863, p. 706.

Relating to establishment of eastern boundary of State, Stats. 1863-4, p. 506.

## CHAPTER XXIII.

## BUENA VISTA (UNORGANIZED) COUNTY.

## SECTION 64. Reference to Acts organizing county.

Reference  
to Acts  
organizing  
county.

## 64.

An Act to organize the County of Buena Vista (out of the southern portion of Tulare County), Stats. 1855, p. 203; 1856, p. 96.

An Act to extend the provisions of the Act of 1855, Stats. 1858, p. 36.

The County of Buena Vista was never organized.

## CHAPTER XXIV.

## BUTTE COUNTY.

## SECTION 65. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 65.

Boundaries, Stats. 1850, p. 62; 1851, p. 177; 1853, p. 53; 1854, p. 8; 1856, pp. 118, 124, 222; 1857, pp. 25, 109; 1859, p. 359; 1860, p. 115; 1861, p. 167.

Seat of justice, Stats. 1850, p. 62; 1851, p. 177; 1853, p. 53; 1856, p. 37; 1857, p. 120.

Organizing Plumas County, Stats. 1854, p. 8.

Giving jurisdiction to Courts in Plumas County in certain cases, Stats. 1854, p. 232.

Fixing times of holding County Court, Court of Sessions, and Probate Court, Stats. 1855, p. 8; 1858, p. 46.

Changing and fixing county seat, Stats. 1856, p. 37.

Creating Tehama County, Stats. 1856, pp. 118, 222; 1857, pp. 25, 109; 1859, p. 359; 1863, p. 492.

Altering and defining boundary lines of Colusa County, Stats. 1856, p. 124.

Separating office of Collector of Taxes from office of Sheriff, Stats. 1857, p. 61.

Incorporating Town of Oroville, Stats. 1857, p. 77; 1858, p. 220; 1859, p. 32.

Providing for indigent sick, Stats. 1857, p. 72.

To locate county seat, Stats. 1857, p. 120.

Separating office of County Recorder from office of County Clerk, Stats. 1857, p. 127.

Fixing compensation of Supervisors, Stats. 1857, p. 239; 1858, p. 109.

Providing for construction of wagon road from Oroville to proposed National Wagon Road, etc., Stats. 1857, p. 291.

**Extending time for collection of taxes for 1857, Stats. 1858, p. 62.**

**Authorizing and empowering County Recorder to make certified copies of certain records, etc., Stats. 1858, p. 108.**

**Reference  
to special  
and local  
Acts.**

**Fixing compensation of Clerk of Board of Supervisors, Stats. 1858, p. 109.**

**Allowing L. Carson to sell certain real estate (as guardian of John S. Williams, Jr., an infant), Stats. 1858, p. 210; 1859, p. 306.**

**Authorizing Board of Supervisors to issue bonds, etc., not exceeding two hundred and thirty thousand dollars, to be expended in constructing railroads and wagon roads, etc., Stats. 1858, p. 242.**

**Legalizing assessment of real and personal property made during 1856 and 1857 by J. H. Lillard, Stats. 1859, p. 28.**

**Authorizing M. Massett to remove remains of deceased persons, Stats. 1859, p. 59.**

**Authorizing and empowering Board of Supervisors to levy special tax for contingent purposes, Stats. 1859, p. 108; 1862, p. 36.**

**Authorizing and empowering County Clerk to transcribe certain records, and legalizing same, Stats. 1859, p. 119.**

**Authorizing Recorder of Tehama County to transcribe certain records, Stats. 1859, p. 151.**

**Providing for settling the boundary line between Butte and Yuba Counties, Stats. 1859, p. 225.**

**Legalizing and confirming election of County Surveyor, Stats. 1859, p. 256.**

**Exempting estate of Charles Evans, deceased, from process of administration, Stats. 1859, p. 305.**

**Fixing commencement of terms of office, Stats. 1859, p. 337.**

**Authorizing Coroner to remove bodies of deceased persons, Stats. 1859, p. 358.**

**Extending time for collection of taxes for 1859, Stats. 1860, p. 8.**

**Authorizing guardian of J. K. P. Potter, minor heir of John Potter, deceased, to sell certain real estate, Stats. 1860, p. 50.**

**Authorizing administrator of estate of F. P. Bohem, deceased, to sell certain real estate, Stats. 1860, p. 51.**

**Authorizing Butte County to purchase and hold two hundred thousand dollars of first mortgage bonds of California Northern Railroad Company, and to issue bonds, etc., Stats. 1860, pp. 90, 133.**

**Defining locality of Village of Strawberry Valley, Stats. 1860, p. 115.**

**Concerning roads and highways, Stats. 1860, p. 117; 1861, p. 398.**

**Authorizing and empowering guardian of Frank S. Eckert to convey certain lands, Stats. 1860, p. 127.**

**Concerning collection of revenue, Stats. 1860, p. 279.**

**Extending time for collection of taxes, Stats. 1861, p. 18.**

**Authorizing Probate Court to affirm certain sale of real estate by administrator of J. P. Bowen, deceased, Stats. 1861, p. 72.**

**Providing for collection of delinquent taxes, Stats. 1861, p. 92.**

**Granting right of way to construct toll bridge across Feather River, near Oroville, to H. B. Lathrop and others, Stats. 1861, p. 97.**

**In relation to compensation of County Auditor, Stats. 1861, p. 155.**





Reference  
to special  
and local  
Acts.

- To prevent stallions from running at large, Stats. 1866, p. 327.  
 Sale of bonds and their redemption, Stats. 1866, p. 358; 1868, p. 70.  
 Public and private roads in, Stats. 1866, p. 381.  
 District Collectors and Assessors in, Stats. 1866, p. 418.  
 Collection of licenses and taxes, Stats. 1866, pp. 419, 604.  
 Tax for support of common schools, Stats. 1866, p. 431.  
 To prevent trespassing of sheep, Stats. 1866, p. 436.  
 Wagon road from Oroville to Beckwourth's Pass, Stats. 1866, p. 491.  
 Duties and compensation of officers, Stats. 1866, p. 603.  
 Plumas County organized from part of, Stats. 1866, p. 605.  
 Toll bridge across Feather River, Stats. 1866, p. 692.  
 Salary of County Assessor, Stats. 1866, p. 858.  
 For the relief of A. H. Willard and J. B. Hartsough, Stats. 1866,  
 p. 675.  
 To legalize assessment roll, Stats. 1868, p. 73.  
 District Collectors and Assessors, Stats. 1868, p. 129.  
 Act concerning jurors, Stats. 1868, p. 39.  
 To levy tax in Oroville School District, Stats. 1868, p. 142.  
 Public and private roads, Stats. 1868, p. 158; 1870, p. 231.  
 Powers and duties of Supervisors, Stats. 1868, p. 292.  
 For relief of School Fund, Stats. 1868, p. 298.  
 Compensation of officers, Stats. 1868, p. 348.  
 To provide for floating debt, Stats. 1868, p. 429.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 Ferries and toll bridges, Stats. 1870, p. 24.  
 To transfer funds to Common School Fund, Stats. 1870, p. 106.  
 Supervisors to direct issuance of warrant to W. S. Reese, Stats. 1870,  
 p. 376.  
 Duties of certain officers, Stats. 1870, p. 401.  
 Terms of District Court, Stats. 1870, p. 576.  
 Franchise to J. Bidwell and others for wagon road, Act amended,  
 Stats. 1870, p. 621.  
 To authorize guardian of minor heirs to sell real estate, Stats. 1870,  
 p. 622.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

## CALAVERAS COUNTY.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER XXV.

## CALAVERAS COUNTY.

## SECTION 66. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 66.

Boundaries, Stats. 1850, pp. 63, 262; 1851, p. 175; 1854, p. 156; 1861, p. 235; 1863-4, p. 178.

Seat of justice, Stats. 1850, pp. 63, 262; 1851, pp. 175, 328; 1852, p. 177; 1854, p. 156; 1863, p. 228.

To fund and provide for payment of debt, Stats. 1852, p. 173; 1857, p. 72.

Providing for Treasurer to be collector of taxes till decided who is Sheriff, Stats. 1852, p. 176.

Authorizing Surveyor to rent office, Stats. 1853, p. 147.

Abolishing Board of Supervisors, Stats. 1853, pp. 153, 181.

Granting electors privilege to vote for or against division of county, and to organize Amador County, Stats. 1854, p. 156.

Changing name of Sutter, Jackson, and Drytown Water Mining Company to that of Jackson Water Company, Stats. 1854, p. 195.

Changing time of holding County Court and Court of Sessions, and changing manner of summoning jury for County Court, Stats. 1855, p. 164.

Same, and concerning Probate Court, Stats. 1857, p. 28; 1863, p. 10.

Providing for ascertainment of indebtedness of Calaveras County prior to organization of Amador County, and for payment of portion due from Amador, Stats. 1855, p. 165.

Authorizing Board of Supervisors to levy special tax for purchasing, erecting, and constructing public buildings, Stats. 1855, p. 188.

Authorizing Board of Supervisors to pay current expenses of county, Stats. 1856, p. 33; 1857, p. 152.

Fixing compensation of County Judge, Stats. 1857, p. 76.

Fixing compensation of District Attorney, Stats. 1857, p. 76; 1860, p. 9.

Authorizing Board of Supervisors to levy special tax to redeem county warrants, Stats. 1857, p. 84.

Providing for collection of delinquent taxes and to legalize assessments, Stats. 1857, p. 125.

Reference  
to special  
and local  
Acts

Concerning revenue, Stats. 1857, p. 151.

Concerning official bonds of county officers, Stats. 1859, p. 7.

Concerning officers and collection of poll taxes, license taxes, and foreign miners' license taxes, Stats. 1859, p. 45; 1861, p. 485; 1862, p. 119.

To fund entire indebtedness contracted prior to November 1, 1858, and provide means for payment, Stats. 1859, p. 66.

To remedy loss of certain certificate of Mokelumne Hill Canal and Mining Company, Stats. 1859, pp. 155, 251.

To confirm and legalize assessment roll or tax list for 1859, and authorize collection, Stats. 1860, p. 40; 1861, p. 81.

Authorizing administrator of John Andrews, deceased, to sell real and personal estate, Stats. 1860, p. 137.

Providing for maintenance of indigent sick, Stats. 1860, p. 228.

Abolishing office of County Assessor and establishing office of Township Assessor, Stats. 1860, p. 296; 1862, p. 326.

Fixing time of holding Court of Sessions, County Court, and Probate Court, and manner of summoning jurors for County Court, Stats. 1861, p. 57.

Providing for collection of delinquent taxes, Stats. 1861, p. 79.

Separating offices of County Auditor and County Recorder from office of County Clerk, Stats. 1861, p. 151.

Authorizing Board of Supervisors to levy special tax, and providing for building a bridge, Stats. 1861, p. 157; 1862, p. 167.

Granting right to construct turnpike road between Mokelumne Hill and Golden Gate Ranch, on Stockton road, Stats. 1861, p. 313.

To fund indebtedness contracted prior to March 18, 1857, and certain indebtedness of eight thousand dollars contracted subsequently, and provide means for payment, Stats. 1861, p. 364.

Regulating fees of certain officers, Stats. 1861, p. 579; 1862, p. 436; 1863, pp. 261, 710.

Granting right to construct bridge across Mokelumne River at Middle Bar, Stats. 1862, p. 16.

Granting "Stanislaus Bridge and Ferry Company" right to construct and maintain bridge or bridges across Stanislaus River, Stats. 1862, p. 19.

Authorizing Board of Supervisors to issue bonds not exceeding six thousand dollars, and dispose of same for road purposes, Stats. 1862, p. 39.

Granting right to construct bridge across Mokelumne River at Big Bar, and to construct and maintain road from Mokelumne Hill to Butte, in Amador County, Stats. 1862, p. 76.

Granting right to construct turnpike between Big Tree Grove and eastern boundary of State, Stats. 1862, p. 105; 1863-4, p. 160.

In relation to public roads and Road Fund, Stats. 1862, p. 187; 1863, p. 178.

Authorizing Board of Supervisors to employ competent persons to

Reference  
to special  
and local  
Acts.

examine records and ascertain present existing debt, etc., Stats. 1862, p. 215; 1863, p. 60.

Creating and organizing Fire Department for Mokelumne Hill, Stats. 1862, p. 335.

Legalizing assessments, Stats. 1863, p. 10.

Submitting question of removal of county seat to qualified voters, Stats. 1863, p. 228.

Granting right to build turnpike at point on Big Tree road to Silver Mountain, and thence to eastern line of State, Stats. 1863, p. 230.

To fund indebtedness, Stats. 1863, p. 370; 1863-4, p. 401.

Making certain offices salaried offices, Stats. 1863, p. 451; 1863-4, pp. 218, 428.

Granting J. McNealy and associates right to construct and maintain toll bridge across Mokelumne River, Stats. 1863, p. 485.

Providing for uniting offices of County Clerk and County Auditor, Stats. 1863, p. 493.

Authorizing Board of Supervisors to take and subscribe twenty-five thousand dollars to capital stock of Big Tree and Carson Valley Turnpike Company, etc., Stats. 1863, p. 657.

Authorizing Board of Supervisors to take and subscribe fifty thousand dollars to capital stock of Stockton and Copperopolis Railroad Company, etc., Stats. 1863, p. 673.

Creating Alpine County, Stats. 1863-4, p. 178.

Authorizing Board of Supervisors to take and subscribe fifty thousand dollars to stock of Big Tree and Carson Valley Turnpike Company, etc., Stats. 1863-4, pp. 204, 314.

Providing for survey of boundary line between Calaveras and San Joaquin Counties, Stats. 1863-4, p. 262.

Fixing time for holding County Court and Probate Court, Stats. 1863-4, p. 421.

Authorizing Board of Supervisors to subscribe to stock of Campo Seco and Mokelumne Hill Turnpike Road Company, etc., Stats. 1863-4, p. 454.

Granting right to construct turnpike from Campo Seco to Mokelumne Hill, thence to Big Tree Road near the Big Meadows, Stats. 1863-4, p. 535.

Canal companies, incorporation Act amended, Stats. 1866, pp. 53, 604.

To fund indebtedness of, Stats. 1866, pp. 118, 472.

Sheriffs' assistants and salaries, Stats. 1866, p. 120.

To construct turnpike road from Campo Seco, Stats. 1866, p. 120.

Turnpike from Sonora to Copperopolis, Stats. 1866, p. 99; 1868, p. 98.

To make offices salaried, Stats. 1866, p. 120.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70.

To extend time for completion of turnpike road, Stats. 1866, p. 454.

To provide for payment of debt due by Amador County, Stats. 1866, p. 471.

Powers of night watchmen in towns of, Stats. 1866, p. 583.

- To subscribe to Stockton and Copperopolis Railroad Company, Stats. 1866, p. 759. Reference to special and local Acts.
- Exempted from Act concerning canal companies, Stats. 1866, p. 604; 1868, p. 134.
- District Attorney, Stats. 1866, p. 805.
- Concerning officers, Stats. 1866, p. 814.
- Salary of School Superintendent, Stats. 1868, p. 297.
- To fund indebtedness, Stats. 1866, p. 301.
- Leave of absence to District Attorney, Stats. 1866, p. 888.
- Compensation of jurors, Stats. 1868, p. 311.
- Fire Department in Mokelumne Hill, Stats. 1868, p. 330.
- To create Redemption Fund, Stats. 1868, p. 420.
- Fees and salaries, Stats. 1868, p. 448; 1870, pp. 133, 148.
- To provide for payment of salaries, Stats. 1870, p. 219.
- Concerning officers and Tax Collectors, Stats. 1868, p. 480.
- Legal distances defined, Stats. 1868, p. 563.
- Public roads in, Stats. 1868, p. 633.
- Tax for road purposes, Stats. 1868, p. 638.
- Taxes on migratory bands of stock, Stats. 1868, p. 709.
- To provide payment of salary of Treasurer, Stats. 1870, p. 808.
- Tax to pay salaries of officers, Stats. 1870, p. 219.
- Concerning hogs running at large, Stats. 1870, p. 305.
- Mokelumne Hill Fire Department Act, Stats. 1868, p. 330.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.]

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER XXVI.

## CHAIN-GANG.

SECTION 67. Reference to Act relating to chain-gangs.

Reference  
to Act  
relating to  
chain-  
gangs.

## 67.

An Act concerning persons in custody under sentence of imprisonment, passed April 22, 1850, p. 411.

An Act concerning persons under sentence of imprisonment, approved March 31, 1857, p. 151.

See Penal Code, Sec. 1613.

## CHAPTER XXVII.

## CHATTEL MORTGAGES.

SECTION 68. Reference to Acts relating to chattel mortgages.

Reference  
to Acts  
relating  
to chattel  
mortgages.

## 68.

An Act in relation to personal mortgages in certain cases, approved May 11, 1853, p. 153.

An Act amendatory of and supplementary to the foregoing Act, approved April 29, 1857, p. 347.

Amendment to Act in relation to personal mortgages in certain cases, passed May 11, 1853, p. 153, and of the Act amendatory thereof, approved April 29, 1857, p. 347, approved March 7, 1868, p. 111.

See Civil Code, Secs. 2955 to 2971.

## CHAPTER XXVIII.

## CITIES.

SECTION 69. Reference to Acts incorporating cities.

Reference  
to Acts  
incorporat-  
ing cities.

## 69.

An Act to provide for the incorporation of cities, passed March 11, 1850, p. 87.

An Act concerning the redemption of county and city bonds, approved May 14, 1862, p. 550.

See BONDS OF COUNTIES AND CITIES, ante.

See Political Code, Sec. 19.

## CHAPTER XXIX.

## CLERK OF COUNTY.

**SECTION 70.** Reference to Acts relating to County Clerks.

**70.**

Reference  
to Acts  
relating to  
County  
Clerks.

An Act to define the duties of County Clerk, passed April 18, 1850, p. 261.

An Act concerning the transportation of prisoners to the State Prison, approved April 21, 1856, p. 226.

An Act to ascertain and correct the errors and defects of the statute laws of this State, approved April 19, 1861, p. 195.

An Act concerning records of District Courts, approved April 13, 1863, p. 260.

[The foregoing Act, so far as it applied to Solano County, was repealed by "An Act concerning the records of the District Court of the Seventh Judicial District in and for Solano County," approved April 4, 1864, Stats. 1863-4, p. 477.]

An Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers, approved March 18, 1864, Stats. 1863-4, p. 187.

An Act concerning the offices of Clerk and Recorder, approved April 4, 1864, Stats. 1863-4, p. 395.

An Act in relation to proceedings in certain suits (embracing duties of Clerk in relation to suits for delinquent taxes), approved April 4, 1864, Stats. 1863-4, p. 399.

An Act concerning moneys deposited in Courts of record of this State, approved April 4, 1864, Stats. 1863-4, p. 468.

An Act to legalize acknowledgments of deeds of husband and wife, taken before and certified by County Clerk, approved March 21, 1868, p. 203.

## SPECIAL ACTS.

In relation to the office of County Clerk, in some of the counties, special Acts have been passed, references to which will be found under the heads of the counties. They are mostly for the purpose either of uniting the office with or separating it from some other office, such as Recorder, etc. The following prescribe powers and duties differing from those of the general laws:

An Act concerning the office of County Clerk of Placer County, Stats. 1858, p. 29; 1863-4, p. 197.

An Act concerning the office of County Clerk of the City and County of San Francisco, Stats. 1862, p. 566; 1863-4, p. 135. •

An Act concerning the records and papers in the office of the County Clerk of Placer County, Stats. 1863, p. 476.

Not to require fees in advance from State in suits where State is a party, Stats. 1866, p. 49.

## CLERK OF SUPREME COURT.

Duty of, when name is changed by County Court, Stats. 1866, p. 103.  
 On registration of voters, Stats. 1866, p. 288.  
 When supplemental official bond is filed, Stats. 1866, p. 377.  
 To distribute registry and election laws, Stats. 1866, p. 379.  
 Jurisdiction of, in regard to ferries and toll bridges, Stats. 1868, p. 77.  
 Legalizing acknowledgments of deeds of husband and wife taken by  
 County Clerks, Stats. 1868, p. 203.<sup>1</sup>  
 To register names of voters, Stats. 1868, p. 647.  
 As to local Acts, see references under the various counties.  
 See Political Code, Secs. 562 to 567, 1094 to 1310, 4116 to 4122.

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 CHAPTER XXX.

## CLERK OF SUPREME COURT.

SECTION 71. Reference to Acts relating to Clerk of Supreme Court.

Reference  
 to Acts  
 relating to  
 Clerk of  
 Supreme  
 Court.

## 71.

An Act to authorize the Clerk of the Supreme Court of this State to appoint deputies, passed March, 1854, p. 18.

An Act fixing the time at which the Clerk of the Supreme Court shall be elected, approved April 24, 1858, p. 261, was virtually superseded by an Act concerning officers, approved April 22, 1863, p. 386.

An Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April 2, 1866, p. 688.

An Act supplementary to the above, approved March 20, 1868, p. 215.

## SPECIAL ACTS.

Not to require fees in advance from the State, Stats. 1866, p. 49.

Appropriation for deficiency of salary, Stats. 1868, p. 117; 1870, pp. 561, 737.

Fees of office, Stats. 1868, p. 436.

To pay fees into treasury, salary, bonds, etc., Stats. 1866, p. 688.

Salary of deputy, Stats. 1868, p. 215.

Fees of 1870, p. 48.

See Political Code, Secs. 749 to 757, 852, 937, 1001.



## CHAPTER XXXI.

### COAL WEIGHER.

SECTION 72. Reference to Acts relating to Coal Weigher.

72.

An Act to provide for the appointment of a Weigher of Coal, in and for the City and County of San Francisco, approved April 27, 1863, p. 765.

Reference  
to Acts  
relating  
to Coal  
Weigher.

Office repealed by Political Code, Sec. 18.

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## CHAPTER XXXII.

### COAST SURVEY.

SECTION 73. Reference to Acts relating to coast survey.

73.

An Act to authorize persons engaged in the United States coast survey, upon the coast of California, to enter on lands within this State for the purposes of said survey; to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes, approved April 2, 1852, p. 147.

Reference  
to Acts  
relating  
to coast  
survey.

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## CHAPTER XXXIII.

### COINING.

SECTION 74. Reference to Acts regulating coining of money.

74.

An Act to prevent the coining of money by individuals, passed April 20, 1850, p. 274, amended by Act passed April 20, 1850, p. 338, was repealed by Act passed March 25, 1851, p. 404.

An Act to regulate the coining of money by individuals, passed April 21, 1851, p. 171.

Reference  
to Acts  
regulating  
coining of  
money.

## CHAPTER XXXIV.

## COLLEGES.

SECTION 75. Acts providing for incorporation of colleges.

Acts  
providing  
for incor-  
poration  
of colleges.

## 75.

An Act to provide for the incorporation of colleges, passed April 20, 1850, p. 273.

An Act supplementary to foregoing Act, approved April 27, 1863, p. 775.

An Act to provide for issuing arms and accouterments to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them, approved April 23, 1858, p. 252, was repealed by an Act in relation to the militia of the State, approved May 9, 1861, p. 321.

An Act to provide for issuing arms and accouterments to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them, approved May 2, 1862, p. 483.

Amendments to an Act to provide for the incorporation of colleges, passed April 20, 1850, p. 273.

The above is the law as amended. The amendments of sections three and seven, approved March 20, 1868, p. 218, were superseded by the Act of 1870, p. 419, amending the same sections of the original Act of 1850, p. 273.

An Act to establish an Agricultural, Mining, and Mechanical Arts College, approved March 31, 1866, p. 504.

## CHAPTER XXXV.

## COLUSA COUNTY.

SECTION 76. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 76.

Boundaries, Stats. 1850, p. 62; 1851, p. 179; 1856, pp. 118, 124.

Seat of justice, Stats. 1851, p. 179; 1853, p. 193.

Abolishing Board of Supervisors, Stats. 1853, pp. 153, 181.

Providing for location of county seat, Stats. 1853, p. 193.

Regulating fees of certain county officers, Stats. 1856, p. 57.

Creating Tehama County, Stats. 1856, p. 118; 1857, p. 25.

Altering and defining boundary lines, Stats. 1856, p. 124.

Fixing time of holding Court of Sessions, County Court, and Probate Court, Stats. 1857, p. 207; 1859, p. 128.

Authorizing T. O. Larkin to sell certain land belonging to his infant children, Stats. 1857, p. 236. Reference to special and local Acts.

Fixing compensation of certain officers (County Judge, District Attorney, and Treasurer), Stats. 1857, p. 256.

Legalizing and confirming general and supplemental assessment rolls, etc., and extending time for collection of revenue, Stats. 1859, p. 6.

Authorizing Recorder of Tehama County to transcribe certain records, Stats. 1859, p. 151.

Extending time for collection of taxes, Stats. 1860, p. 4; 1861, p. 5.

Authorizing Board of Supervisors to levy special tax for building purposes, Stats. 1860, p. 33.

Providing for compensation of keepers of County Jail and for payment, etc., Stats. 1860, p. 219.

Providing for collection of delinquent taxes, Stats. 1860, p. 246; 1861, p. 473.

Authorizing Board of Supervisors to levy special tax and creating Contingent Fund, Stats. 1862, p. 8.

Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.

Requiring County Judge to reside at county seat, Stats. 1863, p. 101.

Concerning roads and highways, Stats. 1863, p. 309, refers to Stats. 1861, p. 378.

Providing for times of holding County Court and Probate Court, Stats. 1863-4, p. 41.

Making County Clerk ex officio Recorder and Auditor, and fixing his compensation, Stats. 1863-4, p. 473.

To provide for funding indebtedness, Stats. 1863-4, p. 515.

Terms of District Court, Stats. 1866, p. 79; repealed, Stats. 1867, pp. 8, 95.

Construction of wagon road authorized, Stats. 1866, p. 219.

To prevent stallions from running at large, Stats. 1866, p. 70.

To develop agriculture and construct irrigating canal, Stats. 1866, p. 451.

Terms of District Court, Stats. 1868, p. 96.

Act concerning jurors, Stats. 1868, p. 39.

Supervisors to issue bonds for road purposes, Stats. 1868, pp. 100, 200.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To make new outlet for flood waters of Sacramento Valley, Stats. 1868, p. 462.

Act relating to roads, Stats. 1868, p. 469.

Controller to credit Treasurer with tax receipts, Stats. 1868, p. 484.

Supervisors to transfer moneys, Stats. 1868, p. 501.

Act in relation to herding sheep, Stats. 1870, p. 304.

To pay salary of County Treasurer, Stats. 1870, p. 808.

#### TOWN OF COLUSA.

Act of incorporation, Stats. 1876, p. 809.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in

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## COMMISSIONERS IN EQUITY.

character. This collection is designed as a com-  
pact history of the legislation had for the county.

Laws relating to boundaries, county seats, and  
duties of county officers; mode of changing county  
and general government of the counties; the sala-  
ries of the County Judges and District Attorneys; and  
laws providing for the incorporation of cities, and  
general powers of such corporations, will be found  
in the Political Code, Part IV, and, to a certain extent as  
so provided, supersedes all prior enactments.

Laws relating to legal distances from the county  
to the State Prison, Insane Asylum, and Capital  
are found in the Political Code, Secs. 150 to 201; for  
appointment of State Senators and members of the  
Assembly, Secs. 78 to 106 and 225 to 280; and for Con-  
gressional Districts, Sec. 117.]

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## CHAPTER XXXVI.

### COMMISSIONERS OF DEEDS.

Reference to Acts relating to Commissioners of Deeds.

Authority of the Governor to appoint Commissioners of Deeds,  
and of such officers, passed March 20, 1850, p. 100.  
Acts. 1858, p. 22.

Powers of Commissioners of Deeds, for the time  
being officers of the army of the United States, approved  
Acts. 1863-4, p. 74.

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## CHAPTER XXXVII.

### COMMISSIONERS IN EQUITY.

Reference to Acts relating to Commissioners in Equity.

Authority for the appointment of Commissioners in Equity,  
Acts. 1861, p. 183.

Effect from May 18, 1861, by virtue of Act ap-  
proved, p. 525.

Added by the Code of Civil Procedure, Sec. 7.

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## CHAPTER XXXVIII.

### COMMON LAW.

SECTION 79. Reference to Acts adopting the common law.

79.

An Act adopting the common law, passed April 13, 1850, p. 219.

An Act to abolish all laws now in force in this State, except such as have been passed by the present session of the Legislature, passed April 22, 1850, p. 342.

See Political Code, Sec. 4468.

Reference  
to Acts  
adopting  
the  
common  
law.

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## CHAPTER XXXIX.

### COMMON SCHOOLS.

SECTION 80. Reference to Acts relating to schools.

80.

The school law was revised by Act approved March 24, 1866, p. 383, and this Act was amended in 1868, pp. 150, 203; but the Act of 1870, p. 824, superseded all prior Acts on the subject.

An Act to amend an Act to provide for a system of common schools, approved April 4, 1870, p. 822.

See, also, SCHOOLS, post.

Superseded by Political Code, Title III, Part III.

Reference  
to Acts  
relating to  
schools.

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## CHAPTER XL.

### CONGRESSIONAL DISTRICTS.

SECTION 81. Acts dividing State into Congressional Districts.

81.

An Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, approved April 1, 1864, Stats. 1862-4, p. 287.

An Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, approved April 1, 1864, p. 287.

Amendatory Act, Stats. 1866, p. 768.

See Political Code, Sec. 117.

Acts divid-  
ing State  
into Con-  
gressional  
Districts.

## CHAPTER XLI.

## CONSTABLES.

## SECTION 82. Acts relating to Constables.

Acts relat-  
ing to  
Constables.

## 82.

An Act to prescribe the duty of Constables, passed April 12, 1850, p. 263.

An Act concerning official bonds of Justices of the Peace and Constables of the counties of this State, approved March 29, 1858, p. 100.

See BONDS OF OFFICERS, ante.

See Political Code, Secs. 4122, 4314, and 4315.

## CHAPTER XLII.

## CONTEMPTS AND TRESPASSES.

## SECTION 83. Acts relative to punishment for contempts.

Acts  
relative to  
punish-  
ment for  
contempts.

## 83.

An Act for the punishment of contempts and trespasses, approved April 8, 1862, p. 115.

See Penal Code and Code of Civil Procedure—*Indexes*.

## CHAPTER XLIII.

## CONTRA COSTA COUNTY.

## SECTION 84. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 84.

Boundaries, Stats. 1850, pp. 60, 156; 1851, p. 174; 1852, p. 158; 1853, p. 56.

Seat of justice, Stats. 1850, pp. 60, 165; 1851, p. 174; 1852, p. 178.

Providing for disposition of certain property at Martinez, Stats. 1851, p. 305.

For relief of Frank Maynard, Stats. 1852, p. 262.

Creating Alameda County, Stats. 1853, p. 56.

Abolishing Board of Supervisors, Stats. 1854, p. 52.

To adjust indebtedness of Alameda County to Contra Costa County, and provide for payment, Stats. 1854, p. 218; 1857, p. 105; 1858, p. 166.

To fund debt and provide for payment, Stats. 1855, pp. 9, 211; 1856, p. 221; 1857, p. 107; 1858, p. 211.

Reference  
to special  
and local  
Acts.

Fixing time of holding Courts authorized to be held by County Judge, Stats. 1855, p. 17; 1858, p. 95; 1859, p. 31.

Authorizing Funding Commissioners to audit certain claims (for erection and furnishing Court House), Stats. 1855, p. 41.

Granting privilege to R. Haley and others to erect and build wharf on San Pablo Ranch, Stats. 1856, p. 129.

Providing for funding debt not heretofore provided, Stats. 1856, p. 221; 1858, p. 111.

Fixing salary of County Judge, Stats. 1857, p. 2; 1860, p. 315.

Fixing compensation of District Attorney, Stats. 1857, p. 13; 1860, p. 24.

Extending time of collecting taxes, Stats. 1857, p. 32; 1859, p. 7; 1860, p. 5; 1861, p. 1.

Concerning lawful fences, Stats. 1857, p. 54; 1858, p. 40; 1861, p. 277.

Authorizing Board of Supervisors to pay current expenses of county, Stats. 1857, p. 148.

Regulating fees of county officers, Stats. 1858, p. 16.

Fixing terms of Probate Court, Stats. 1858, p. 95.

Creating Sinking Fund to pay outstanding indebtedness, Stats. 1858, p. 109; 1861, p. 239.

Declaring Nueces and Diablo Creeks navigable, Stats. 1858, p. 127.

Concerning roads and highways, Stats. 1857, p. 227; 1859, p. 16; 1860, pp. 25, 327.

Fixing time of holding Court of Sessions and County Court, Stats. 1859, p. 31.

Authorizing construction of certain wharves by J. R. Price and others, Stats. 1859, p. 35; 1860, p. 19.

Concerning office of Sheriff, Stats. 1859, p. 94.

Extending time for levying taxes, Stats. 1859, p. 107.

Authorizing C. Minturn and others to construct and maintain wharf, Stats. 1859, p. 361.

Providing for payment of judgment in favor of T. C. Gilman against county, Stats. 1860, p. 94.

Authorizing Board of Supervisors to appropriate money to use of Contra Costa County Agricultural Society, Stats. 1860, p. 146; 1861, p. 64.

Authorizing guardians of Alice Marsh to sell personal property, Stats. 1860, p. 205.

Authorizing Commissioners of Funded Debt to reissue certain coupons of bonds, Stats. 1860, p. 330.

Granting appeals from Board of Supervisors to County Court (in regard to road matters), Stats. 1860, p. 343.

Providing for collection of delinquent taxes, Stats. 1861, p. 119.

Authorizing Trustees of Contra Costa Educational Association to sell or mortgage real or other property, etc., Stats. 1861, p. 179.

Granting to W. Fitzpatrick and associates right to construct railroad, Stats. 1861, pp. 264, 278; 1863, p. 360.

Reference  
to special  
and local  
Acts.

Enabling and requiring Board of Supervisors to complete levy of taxes for road purposes for 1861, Stats. 1861, p. 284.

Authorizing C. J. Collins and associates to construct and maintain ferry (from New York to Point Collberg) and wharves, Stats. 1861, p. 300.

Concerning records of fees and duties of certain officers (Clerk and Recorder and Sheriff), Stats. 1861, p. 376.

Authorizing construction and maintenance of wharf (in San Joaquin River, by G. McCoy), Stats. 1861, p. 418.

Providing for better support of common schools, Stats. 1861, p. 475.

Authorizing levy of special property and poll tax for establishment and maintenance of roads and bridges, Stats. 1862, p. 32.

Authorizing construction and maintenance of wharf (in San Joaquin River, by G. W. Brown and others), Stats. 1862, p. 43.

Authorizing Board of Supervisors to transfer surplus moneys remaining in Gilman Judgment Fund, Stats. 1862, p. 44.

Authorizing construction of wharf at point on southerly bank of San Joaquin River (to W. W. Greenhood and others), Stats. 1862, p. 89.

Annexing county to Fourth Judicial District, Stats. 1862, p. 97.

Authorizing construction of wharf at point on southerly bank of San Joaquin River to Pittsburg Railroad Company, Stats. 1862, p. 116.

Authorizing J. M. Tewksbury and associates to build wharf at Potrero of San Pablo Ranch, Stats. 1862, p. 138.

Authorizing W. O'Connell and J. Fay to build wharf at Slaughterhouse Point, Stats. 1862, p. 139.

Authorizing L. E. Morgan and associates to construct and maintain wharf at San Pablo Ranch, Stats. 1862, p. 168.

Granting to W. H. Tillinghast and associates right to construct wharf at "New York on the Pacific," Stats. 1862, p. 213.

Authorizing H. Thorne and others to reconstruct and make wagon road, Stats. 1862, p. 240; 1863, p. 578.

Providing for collection of road poll taxes, Stats. 1862, p. 251.

Authorizing Board of Supervisors to audit and allow claim of M. B. Barber and to levy special tax, Stats. 1862, p. 328.

Providing for equitable adjustment of claims arising from indebtedness of Contra Costa County outstanding at organization of Alameda County, and for apportioning award, etc., Stats. 1862, p. 405.

Fixing terms of Court of Sessions, County Court, and Probate Court, Stats. 1862, p. 484.

Authorizing M. A. Wheaton and associates to establish and maintain ferry across upper end of Suisun Bay, Stats. 1862, p. 495.

Providing for construction of public wagon and stage road from Walnut Creek House to Alameda County line, Stats. 1862, p. 506.

Creating Contingent Fund, Stats. 1862, p. 545.

In relation to establishment, maintenance, and protection of public and private roads, Stats. 1863, p. 151; refers to Stats. 1861, p. 389.

Authorizing W. O'Connell and assigns to build wharf at Slaughterhouse Point, Stats. 1863, p. 357.



Authorizing construction and maintenance of wharf in San Joaquin River, by M. S. Chase and others, Stats. 1863, p. 376. Reference to special and local Acts.

Authorizing W. Kohl and associates to establish and maintain steam ferry between San Pablo Ranch and San Quentin or San Francisco, Stats. 1863, p. 500.

Regulating fees in office, Stats. 1863, p. 666.

Authorizing construction and maintenance of wharf near Antioch, by California Copper Smelting Works, Stats. 1863, p. 733.

Concerning hogs running at large, Stats. 1863, p. 774.

Providing for saving and transfer of causes pending in the District Court, Stats. 1863-4, p. 500.

Times of holding County and Probate Court, Stats. 1865-6, p. 416.

Term of Fifteenth District Court, Stats. 1866, p. 101.

Authorizing Edward Bent to render stream navigable, Stats. 1866, p. 174.

Franchise granted to Black Diamond Coal Mining Company to build tramroad, Stats. 1866, p. 307.

Franchise to same company for wharf, Stats. 1866, p. 434.

To legalize Acts of Supervisors, Stats. 1866, p. 475.

Franchise to O. C. Coffin and others for tramroad and railroad, Stats. 1866, p. 569; 1868, p. 617.

Compensation of District Attorney, Stats. 1866, p. 634.

Public schools in, Stats. 1866, p. 659.

Franchise to F. K. Shattuck and associates for tramroad or railroad, Stats. 1866, p. 685.

County Treasurer to collect taxes, Stats. 1866, p. 690.

Ferry franchise, Vallejo to Pinole Valley, Stats. 1866, p. 782; 1868, p. 677.

Cultivation of oysters in, Stats. 1866, p. 721.

Franchise to F. K. Shattuck and others for wharf near Antioch, Stats. 1866, p. 842; 1867-8, p. 14.

Wharf franchise to C. Cheeny and others, Stats. 1868, p. 199.

Public and private roads, Stats. 1868, p. 223; 1870, p. 133.

Hogs running at large, Stats. 1868, p. 239.

Fees and salaries, Stats. 1868, p. 448; repealed by Act of 1870, p. 148.

Improve navigation of Walnut Creek, Stats. 1868, p. 484.

To donate to Martinez and Danville Railroad Company, Stats. 1868, p. 531.

Steam ferry at Collinsville, Stats. 1868, p. 600.

Concerning Tax Collector, Stats. 1870, p. 284.

Act in relation to herding sheep, Stats. 1870, p. 304.

Assessor to employ deputy, Stats. 1870, p. 403.

To establish a steam ferry across the Straits of Carquinez, Stats. 1870, p. 507.

Notaries Public, Stats. 1870, p. 779.

Collection of taxes, duty of Collector, etc., Stats. 1868, p. 677.

Bounty tax for destruction of squirrels, etc., Stats. 1870, p. 316.

Reference  
to special  
and local  
Acts.

## TOWN OF PACHECO.

To create Board of Levee and Street Commissioners, Stats. 1870, p. 426.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER XLIV.

### CONTROLLER OF STATE.

#### SECTION 85. Acts concerning Controller of State.

Acts  
concerning  
Controller  
of State.

#### 85.

An Act concerning the office of Controller, passed January 19, 1850, p. 47.

Amendatory Acts, Stats. 1854, p. 25; 1863, p. 96; 1863, p. 167.

An Act in relation to clerks in the office of the Controller of State, and to provide for their pay, approved May 7, 1853, p. 146. Sec. 2 refers to compensation of clerk heretofore employed.

An Act to authorize the appointment of bookkeeper to the Controller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, approved March 15, 1853, p. 43.

An Act requiring the Controller of State to sign certain blanks, and to appoint a deputy for that purpose, was approved April 16, 1859, p. 262. It was afterwards repealed; see Stats. 1861, p. 457.

An Act to provide for the engraving and printing of State Controller's warrants, approved May 18, 1861, p. 509.

An Act to direct the Controller of State in relation to drawing his warrants on the State Treasury, approved February 11, 1862, p. 4.

An Act to direct the Controller of State in drawing his warrants upon the State Treasurer, approved April 20, 1863, p. 362.

See Political Code, CONTROLLER OF STATE.

## CHAPTER XLV.

### CONVEYANCES.

SECTION 86. Reference to Acts concerning conveyances.

86.

Reference  
to Acts  
concerning  
convey-  
ances.

An Act concerning conveyances, passed April 16, 1850, p. 249.

Amendatory Acts, Stats. 1861, p. 531; 1862, p. 578; 1863-4, p. 85.

An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April 16, 1850, approved April 27, 1855, p. 171.

An Act supplementary to an Act entitled an Act concerning conveyances, passed April 16, 1850, approved April 30, 1860, p. 357.

An Act to limit the terms of leases, passed April 21, 1851, p. 169.

See LEASES, post.

An Act to legalize acknowledgments of deeds taken before and certified by County Recorders, approved April 16, 1852, p. 166.

An Act to authorize married women to convey real estate held by them in their own right, approved February 14, 1855, p. 12.

An Act for the relief of purchasers at sales of real estate by public officers, approved March 27, 1858, p. 95.

An Act to legalize the acknowledgments of instruments in writing, heretofore taken by any deputy clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State, approved April 11, 1859, p. 212.

An Act making certificates of purchase, or of location, evidence of title, approved April 13, 1859, p. 227.

An Act supplementary to and explanatory of above Act, approved April 18, 1859, p. 332.

An Act to legalize the acknowledgments taken by the Recorders and their deputies in the Counties of Monterey and Los Angeles, approved April 29, 1857, p. 325.

An Act to provide for the conveyance of mining claims, approved April 13, 1860, p. 175.

Amendatory Act, Stats. 1863, p. 98.

An Act concerning certain acknowledgments of deeds and other instruments in writing, affecting real estate, approved April 13, 1860, p. 179.

An Act concerning conveyances, approved May 6, 1862, p. 496.

An Act to authorize married women to execute powers of attorney, approved April 13, 1863, p. 165.

An Act to prevent the fraudulent conveyance or incumbrance of real estate by married women, approved April 27, 1863, p. 750.

See FRAUDULENT CONVEYANCES and CONTRACTS, post.

An Act to legalize certain acknowledgments, approved April 27, 1863, p. 760.

An Act to regulate the recording of stamped instruments of writing, approved January 15, 1864, Stats. 1863-4, p. 14.

Amendment to an Act concerning conveyances, passed April 16, 1850, p. 249, approved March 26, 1866, p. 429.

Amendment to Sec. 25 of the same Act, as amended February 15, 1864, p. 85, approved April 2, 1866, p. 848.

As to stamps on documents, Stats. 1866, p. 533; final judgment quieting title to land in San Francisco may be recorded and impart notice, Stats. 1866, p. 531; certificates of judicial sale of real estate to be recorded, Stats. 1866, p. 813; clerks of counties taking acknowledgments of married women, acts legalized, Stats. 1868, p. 203; tax deed of real estate conclusive evidence of title, Stats. 1866, p. 607; certificates of sale of real estate to be recorded, Stats. 1866, p. 813.

The Civil Code supersedes these Acts, and their many provisions will be found in their appropriate places in that Code. ♣

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## CHAPTER XLVI.

### CORONER.

#### SECTION 87. Reference to Acts concerning Coroners.

Reference  
to Acts  
concerning  
Coroners.

#### 87.

An Act concerning Coroners, passed April 19, 1850, p. 264.

Amendatory Acts, Stats. 1852, p. 167; 1862, p. 552.

An Act to provide for Public Administrators in certain counties (making Coroners Public Administrators), approved March 13, 1862, p. 43, and several special Acts of the same nature.

See PUBLIC ADMINISTRATOR, post.

#### SPECIAL ACTS.

An Act concerning the official bonds of Public Administrator and Coroner in the County of Yolo, Stats. 1858, p. 28.

An Act relating to the Coroner of the City and County of San Francisco, Stats. 1859, p. 8.

An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services (chemical analyses), Stats. 1859, p. 36.

An Act concerning the salary and fees of the Coroner of the City and County of San Francisco, Stats. 1863-4, p. 161.

See Political Code, CORONER.

## CHAPTER XLVII.

### CORPORATIONS.

#### ARTICLE I. CORPORATIONS IN GENERAL.

- II. FOREIGN CORPORATIONS.
- III. INSURANCE CORPORATIONS.
- IV. RAILROAD CORPORATIONS.
- V. PLANK AND TURNPIKE ROAD CORPORATIONS.
- VI. WAGON ROAD CORPORATIONS.
- VII. TOLL ROAD CORPORATIONS.
- VIII. MANUFACTURING, MINING, MERCANTILE, WHARFING, TRADES, BUSINESS, MECHANICAL, AND COMMERCIAL CORPORATIONS.
- IX. CHAMBERS OF COMMERCE, BOARDS OF TRADE, AND MECHANICS' INSTITUTES.
- X. WATER CORPORATIONS.
- XI. CANAL CORPORATIONS.
- XII. MINING CORPORATIONS.
- XIII. TELEGRAPH CORPORATIONS.
- XIV. BRIDGE CORPORATIONS.
- XV. RELIGIOUS, BENEVOLENT, AND LEARNED ASSOCIATIONS.
- XVI. ODD FELLOWS, TEMPERANCE HALLS, ETC.
- XVII. ORPHAN, FOUNDLING, CEMETERY, AND OTHER SOCIETIES.
- XVIII. NAVIGATION CORPORATIONS.
- XIX. RURAL CEMETERY ASSOCIATIONS.
- XX. HOMESTEAD ASSOCIATIONS.
- XXI. SAVINGS AND LOAN SOCIETIES.
- XXII. LIBRARY ASSOCIATIONS.
- XXIII. CRUELTY TO ANIMALS ASSOCIATION.
- XXIV. YACHT CLUBS.

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#### ARTICLE I.

##### CORPORATIONS IN GENERAL.

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- 89. Express powers.
- 90. Banking powers prohibited.
- 91. Liability of stockholders for unpaid shares.
- 92. Majority may transact business.
- 93. Corporation to organize within one year; proviso.
- 94. By-laws may be made for certain purposes.
- 95. First meeting of corporations.
- 96. Justice of the Peace may, in certain cases, direct a meeting.

**SECTION 97. Meeting by general consent.**

- 98. Proceedings at such meetings.
- 99. Transfer of shares; transfer of shares held by married women, etc.; non-residents; bonds; dividends payable to married women.
- 100. Dividends to be made only from surplus profits; proviso.
- 101. Debts not to exceed capital stock paid in.
- 102. Complaints against elections; proviso. •
- 103. On dissolution, Directors to be trustees for creditors.
- 104. Powers of such trustees.
- 105. Appointment of receivers and trustees of a dissolved corporation.
- 106. Jurisdiction of District Court.
- 107. Full franchises liable to execution.
- 108. Proceeding by officer having such execution.
- 109. Sale may be adjourned.
- 110. Who to be considered the highest bidder.
- 111. Effect of officer's return on such execution.
- 112. Purchaser may recover penalties, etc.
- 113. Corporations to retain powers and liabilities.
- 114. Redemption of franchise.
- 115. Where proceedings respecting levy may be had.
- 116. Examination into affairs and condition of corporation.
- 117. Powers of Legislature to amend or repeal Act, and effect of amendment or repeal.
- 118. Proceedings for dissolution and disincorporation.
- 119. Liability of stockholders; may be released.
- 120. District Court may confirm defective sales of property.
- 121. Defective certificates of incorporation validated.
- 122. Trustees may levy assessments.
- 123. Limitation.
- 124. How levied.
- 125. Order of levy.
- 126. Notice; form.
- 127. Publication; exceptions.
- 128. Delinquent assessments; form of notice of sale.
- 129. What notice shall state.
- 130. How published.
- 131. Jurisdiction acquired.
- 132. Sale to be by auction; proviso.
- 133. Highest bidder.
- 134. Extensions, how made.
- 135. Errors or omissions.
- 136. Acts repealed; proviso.
- 137. Amended certificate of incorporation.
- 138. Assessments.
- 139. Rate, etc.
- 140. How levied.
- 141. What order shall contain.

**SECTION 142. Notice of assessment; form.**

- 143. Publication and service.
- 144. Delinquent notice; form.
- 145. Contents of notice.
- 146. Publication.
- 147. Right to sell.
- 148. Sale, etc.
- 149. Highest bidder.
- 150. In default of bidders, corporation may purchase; disposition of stock purchased by corporation.
- 151. Extension of time of delinquent sale.
- 152. Assessments shall not be invalidated.
- 153. Action for recovery of stock.
- 154. Repeal; not to apply to assessments levied.
- 155. Affidavit of publication; affidavit of sale; to be filed.

An Act to provide for the incorporation of cities, passed March 11, 1850, p. 87.

An Act to provide for the incorporation of towns, approved April 19, 1856, p. 198.

See TOWNS, post.

An Act to provide for the incorporation of colleges, passed April 20, 1850, p. 273.

See COLLEGES, ante.

*An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

[Enacting clause.]

**GENERAL PROVISIONS.**

88. SECTION 1. Every corporation, as such, has Powers of corporations.  
power:

First—To have succession by its corporate name, for the period limited, and when no period is limited, perpetually;

Second—To sue and be sued in any Court;

Third—To make and use a common seal, and alter the same at pleasure;

Fourth—To hold, purchase, and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited by law;

Fifth—To appoint such subordinate officers and

agents as the business of the corporation shall require, and to allow them a suitable compensation;

Sixth—To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

Express  
powers.

89. SEC. 2. In addition to the powers enumerated in the preceding section, and to those expressly given in the Chapter of this Act under which it shall be incorporated, no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and given.

Banking  
powers  
prohibited.

90. SEC. 3. No corporation created, or to be created, shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt; of receiving deposits, of buying gold or silver, bullion or foreign coin; of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, upon loans, or for circulation as money.

Liability of  
stockhold-  
ers for un-  
paid shares

91. SEC. 4. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay, on each share held by him, the sum necessary to complete the amount of such share, as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

Majority  
may trans-  
act busi-  
ness.

92. SEC. 5. When the corporate powers of any corporation are directed to be exercised by any particular body or number of persons, a majority of such body or persons shall be a sufficient number to form a Board for the transaction of business, and every decis-



ion of a majority of the persons duly assembled as a Board, shall be valid as a corporate act.

93. SEC. 6. If any corporation, formed under the laws of this State, shall not organize and commence the transaction of its business within one year from the date of its incorporation, its corporate powers shall cease; provided, that the question of the due incorporation of any company, claiming in good faith to be a corporation under the laws of this State, and doing business as such corporation, or of its right to exercise corporate powers, shall not be inquired into collaterally, in any private suit to which such de facto corporation may be a party; but such inquiry may be had at the suit of the State, or information of the Attorney General. [Amendment, approved April 8, 1862, p. 110; took effect from passage; repealed all conflicting laws.]

Corporation to organize within one year.

Proviso.

94. SEC. 7. All corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members respectively to one or more votes, the mode of voting by proxy, the mode of selling shares for the non-payment of assessments, and the tenure of office of the several officers; and they may prescribe suitable penalties for the violation of their by-laws, not exceeding, in any case, one hundred dollars for any one offense.

By-laws may be made for certain purposes.

95. SEC. 8. The first meeting of every corporation, where no other provision is specially made, shall be called by a notice, signed by one or more persons named in, or associated as corporators under the law by which it is incorporated, setting forth the time,

First meeting of corporations.

place, and purposes of the meeting; and such notice shall, at least twenty days before the meeting, be delivered to each member, or published in some newspaper of the county where the corporation shall be established, or if no newspaper be published in the county, then in some newspaper nearest thereto.

Justice of the Peace may, in certain cases, direct a meeting.

96. SEC. 9. Whenever, by reason of the death, absence, or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any Justice of the Peace of the county where such corporation is established, may, on written application of three or more of the members thereof, issue a warrant to either of the said members, directing him to call a meeting of the corporation, by giving such notice as shall have been previously required by law, and the Justice may, in the same warrant, direct such person to preside at such meeting until a clerk shall be duly chosen and qualified, if there shall be no other officer present legally authorized to preside thereat.

Meeting by general consent.

97. SEC. 10. When all the members of a corporation shall be present at any meeting, however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be as valid as if legally called and notified.

Proceedings at such meetings.

98. SEC. 11. The members of such corporation, when so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

Transfer of shares.

99. SEC. 12. Whenever the capital stock of any corporation is divided into shares, and certificates thereof are issued, such shares may be transferred, by indorsement and delivery of the certificate thereof, such indorsement being by the signature of the pro-

prietor, or his or her attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered upon the books of the corporation as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer. In all cases in which shares of stock in corporations, now existing, or hereafter incorporated under any law of this State, are held or owned by any married woman, such shares may be transferred by her, her agent, or attorney, without the signature of her husband, in the same manner as if such married woman were a *feme sole*. And in all cases of transfers of shares of stock of such corporation, on behalf of the owners residing out of the State, it shall be lawful for the President, Secretary, or Trustees of such corporation, before entering such transfer on the books of the company, or issuing the certificate therefor to the transferee, to require from such attorney, or from the person claiming under such transfer, a bond of indemnity, with two sureties, satisfactory to the officers of the corporation, or, if not so satisfactory, then approved by the District Judge of the district in which the principal office of said company is situated, conditioned to protect such corporation against any liability to the legal representatives of the owner of such stock, in case of his or her death, before such transfer; and in case of refusal to furnish such bonds upon request, such transfer shall be utterly void as against the corporation. All dividends, payable upon any shares of stock of a corporation, held by a married woman, may be paid to such married woman, her agent, or attorney, in the same manner as if she were unmarried, and it shall not be necessary for her husband to join in receipt therefor; and any proxy, or power, given by a married woman, touching any shares of stock of any corporation, owned by her,

Transfer of  
shares held  
by married  
women, etc

Non-resi-  
dents.

Bonds.

Dividends  
payable to  
married  
women.

shall be valid and binding, without the signature of her husband, the same as if she were unmarried. [Amendment approved April 8, 1862, p. 110; took effect from passage; repealed all conflicting laws.]

Dividends  
to be made  
only from  
surplus  
profits.

Proviso.

Debts not  
to exceed  
capital  
stock paid  
in.

100. SEC. 13. It shall not be lawful for the Directors or managers of any incorporated company in this State to make dividends, excepting from the surplus profits arising from the business of such corporation; and it shall not be lawful for the Directors of any such company to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of such company, or to reduce the said capital stock without the consent of the Legislature; and in case of any violation of the provisions of this section, the Directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the said Directors at the time, or when not present when the same did happen, shall in their individual and private capacity jointly and severally be liable to the said corporation, and to the creditors thereof in the event of its dissolution, to the full amount of the capital stock of the company so divided, withdrawn, paid out, or reduced, and no Statute of Limitation shall be a bar to any suit against such Directors for any sums for which they are made liable by this section; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of such company which shall remain after the payment of all its debts, upon the dissolution of such company, or the expiration of its charter.

101. SEC. 14. The total amount of the debts which any incorporated company shall owe, shall not at any time exceed the amount of the capital stock actually paid in; and in case of any excess, the Directors, under whose administration the same may have happened,

except those who may have caused their dissent therefrom to be entered at large on the minutes of the said Directors at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, jointly and severally be liable for such excess to the said corporation, and in the event of its dissolution, to any of the creditors thereof to the full amount of such excess, with legal interest from the time such liability accrued, and no Statute of Limitation shall be a bar to any suit against such Directors for any sums of money for which they are made liable by this section.

102. SEC. 15. Upon the application of any person or persons, or body corporate, that may be aggrieved by, or may complain of any election held by any corporate body, or any proceeding, act, or matter in or touching the same, it shall be the duty of the District Judge of the district in which such election is held (reasonable notice having been given to the adverse party, or to those who are to be affected thereby, of such intended application), to proceed forthwith and in a summary way to hear the affidavits, proofs, and allegations of the parties, or otherwise inquire into the matters or causes of complaints, and thereupon to establish the election so complained of, or to order a new election, or make such order and give such relief in the premises as right and justice may appear to the said District Judge to require; *provided*, that the said Judge may, if the case appear to require it, direct the District Attorney of his district to exhibit one or more information or informations in the nature of a quo warranto in the premises.

Complaints  
against  
elections.

Proviso.

103. SEC. 16. Upon the dissolution of any corporation, unless other persons shall be appointed by the Legislature, or by some Court of competent authority, the Directors or managers of the affairs of such corpo-

On dissolution.  
Directors  
to be  
trustees for  
creditors.

ration at the time of its dissolution, by whatever name they may be known in law, shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power to settle the affairs of the corporation, collect and pay the outstanding debts, and divide among the stockholders the moneys and other property that shall remain after the payment of the debts and necessary expenses.

Powers of  
such  
trustees.

104. SEC. 17. The persons so constituted trustees shall have authority to sue for and recover the debts and property of the dissolved corporation, by the name of the trustees of such corporation, and shall have full power to settle the affairs of the corporation, and shall be jointly and severally responsible to the creditors and stockholders of such corporation to the extent of its property and effects that shall come into their hands.

Appoint-  
ment of  
receivers  
and  
trustees of  
a dissolved  
corporation

105. SEC. 18. Upon the dissolution of any corporation, the District Court of the county in which the corporation carries on its business, or has its principal place of business, on application of any creditor of the corporation, or of any stockholder or member thereof, may appoint one or more persons to be receivers or trustees of and for the corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the corporation, and the power of such receivers may be continued as long as the Court shall think necessary.

Jurisdic-  
tion of  
District  
Court.

106. SEC. 19. The said Court shall have jurisdiction of such application, and of all questions arising in the proceedings thereon, and may make such orders, injunctions, and decrees thereon as justice shall require.

107. SEC. 20. When any judgment shall have been recovered against any turnpike or other corpora-

tion authorized to receive toll, the franchises of such corporation, with all the rights and privileges thereof, together with all their corporate property, both real and personal, may be taken on execution and sold at public auction.

Full  
franchises  
liable to  
execution.

108. SEC. 21. The officer having such execution against any corporation mentioned in the preceding section, shall, thirty days at least before the day of sale of the franchise or other corporate personal property, give notice of the time and place of sale, by posting up a notice thereof in the county in which the Clerk, Treasurer, or any one of the Directors of the corporation may dwell, and also by causing an advertisement of the same, expressing the name of the creditor, the amount of the execution, and the time and place of sale, to be inserted three weeks successively in some newspaper published in any county in which either of the aforesaid officers may dwell, if any such there be; and if no newspaper be published in any such county, then in the newspaper published nearest thereto.

Proceeding  
by officer  
having  
such  
execution.

109. SEC. 22. The officer who may levy any execution, as prescribed in the preceding section, may adjourn the sale from time to time, as may be necessary, until the same shall be completed.

Sale may  
be ad-  
journd.

110. SEC. 23. In the sale of any franchise of any corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, and shall agree to take such franchise for the shortest period of time, and to receive, during that time, all such toll as the said corporation would by law be entitled to demand, shall be considered the highest bidder.

Who to be  
considered  
the highest  
bidder.

111. SEC. 24. The officer's return on such execution shall transfer to the purchaser all the privileges and immunities which by law belonged to the corpo-

Effect of  
officer's  
return on  
such  
execution.

ration, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser possession of all the toll houses and gates belonging to such corporation, in whatever county the same may be situated, and the purchaser may thereupon demand and receive all the tolls which may accrue during the time limited by the terms of his purchase, in the same manner and under the same regulations as such corporation was before authorized to demand and receive the same.

Purchaser  
may  
recover  
penalties,  
etc.

112. SEC. 25. Any person who may have purchased, or shall hereafter purchase, under the provisions of this Chapter, the franchise of any turnpike or other corporation, and the assignees of such purchase, may recover any penalties imposed by law for an injury to the franchise, or for any other cause, and which such corporation would have and been entitled to recover during the time limited in the said purchase of the franchise; during that time the corporation shall not be entitled to prosecute for such penalties.

Corpora-  
tions to  
retain  
powers and  
liabilities.

113. SEC. 26. The corporation, whose franchise shall have been sold as aforesaid, shall, in all other respects, retain the same powers, and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures as before such sale.

Redemp-  
tion of  
franchise.

114. SEC. 27. Such corporation may, at any time within one year after such sale, redeem the franchise, by paying or tendering to the purchaser thereof the sum that he shall have paid therefor, with ten per cent interest thereon, but without any allowance for the toll which he may have received; and, upon such payment or tender, the said franchise and all the rights and privileges thereof shall revert and belong to said corporation, as if no such sale had been made.

115. SEC. 28. All the proceedings aforesaid re-



specting the levy of executions, may be had in any county in which either the creditor, or the President, or any Director, or the Treasurer, or the Clerk of the corporation may reside, or in which the corporation has personal or real estate.

Where proceedings respecting levy may be had.

116. SEC. 29. It shall be the duty of the Attorney General or District Attorney, whenever and as often as shall be required by the Governor, to examine into the affairs and condition of any corporation in this State, and report such examination in writing, together with a detailed statement of facts to the Governor, who shall lay the same before the Legislature, and, for that purpose, the said Attorney General or District Attorney shall have power to administer all necessary oaths to the Directors and officers of any corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the books, papers, and documents belonging to such corporation, or appertaining to its affairs and condition; and the Legislature, or either branch thereof, shall have full power to examine into the affairs and condition of any corporation in this State at all times; and, for that purpose, any committee appointed by the Legislature, or either branch thereof, shall have full power to administer all necessary oaths to the Directors, officers, and stockholders of such corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the safes, books, papers, and documents belonging to such corporation, or pertaining to its affairs and condition, and to compel the production of all keys, books, papers, and documents, by summary process, to be issued on application to any Court of record, or any Judge thereof, under such rules and regulations as the said Court may prescribe.

Examination into affairs and condition of corporation

Powers of  
Legislature  
to amend  
or repeal  
Act, and  
effect of  
amend-  
ment or  
repeal.

117. SEC. 30. The Legislature may, at any time, amend or repeal this Act, and dissolve all corporations created under it; but such amendment or repeal shall not, nor shall the dissolution of any such corporation, take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Proceed-  
ings for  
dissolution  
and disin-  
corporation

118. SEC. 31. Any corporation wishing to dissolve and disincorporate itself, shall present a petition to the County Judge of the county in which the meetings of the stockholders are usually held, accompanied by a certificate signed by its proper officers, and setting forth that, at a general or special meeting of the stockholders, called for that purpose, it was decided, by a vote of two thirds of the stockholders, to disincorporate and dissolve the incorporation. The Clerk shall enter such petition and certificate of record, and the Judge shall, after thirty days' notice by publication in some newspaper published in the county, and if there are none such, then by advertisements posted up in the principal public places in the county, proceed to consider the same; and if the Judge be of opinion that such incorporation has taken the necessary preliminary steps, and obtained the necessary vote to dissolve itself, and that all claims against the incorporation are discharged, he shall declare such incorporation dissolved.

Liability of  
stockhold-  
ers.

119. SEC. 32. Each stockholder of any corporation shall be severally, individually, and personally liable for such proportion of all its debts and liabilities as the amount of stock owned by him in such corporation bears to the whole of the capital stock of the corporation, for the recovery of which joint or several actions may be instituted and prosecuted, and in any such action against any of the stockholders of a corporation, the Court shall ascertain and determine

the proportion of the debt which is the subject of the suit for which each of the stockholders who are defendants in the action are severally liable, and judgment shall be given severally in conformity therewith.

If any stockholder in a corporation shall pay his proportion of any debt due by such corporation, he shall be released and discharged from any further individual or personal liability for such debt. [Amendment approved April 27, 1863, p. 766; took effect immediately.]

May be released.

*An Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved February 20, 1862, p. 17.]

[Enacting clause.]

120. SECTION 1. It shall be lawful for the District Court within and for the county in which any such corporation shall have been constituted, upon the application of such corporation, or any person or persons interested, and it satisfactorily appearing to the Court, by competent proof by affidavit or otherwise, that due notice by personal service, or by publication in some newspaper, as the said Court or Judge thereof shall direct, has been given to all persons interested in the matter, and that it is just and equitable on the part of such society, association, or corporation, to confirm any sale or mortgage heretofore made of any real estate belonging to such society, association, or corporation, for which they have received the purchase money, or loan, to make an order for the confirmation of such sale, or mortgage, heretofore made in good faith for the benefit of such society, association, or corporation, and for the conveyance in fee simple, or in mortgage, of all the right, title, and interest, both legal and

District Court may confirm defective sales of property.

equitable, of such society, association, or corporation, in and to such real estate, to the party or parties immediately or mediately entitled thereto under such sale or mortgage; and it shall be lawful for any member of such church, congregation, association, society, or corporation, to oppose, by affidavit or otherwise, the granting of either of such orders.

SEC. 2. This Act shall take effect immediately.

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*An Act concerning corporations.*

[Approved April 1, 1864, Stats. 1863-4, p. 303.]

[Enacting clause.]

Defective  
certificates  
of incor-  
poration  
validated.

121. SECTION 1. All associations or companies heretofore organized and acting in the form and manner of corporations, and that have filed certificates for the purpose of being incorporated, but whose certificates are in some manner defective, or have been improperly acknowledged, or have been acknowledged before a person not authorized by law to take such acknowledgments, are hereby declared to be and to have been corporations from the date of the filing of such certificates, in the same manner and to the same effect and intent as if such certificates were without fault and properly acknowledged before the proper officer; and all such certificates are hereby validated and declared to be legal, and shall have the same force and effect as if such certificates were free from all fault or defect, and were properly acknowledged before an officer having authority to take such acknowledgments.

SEC. 2. This Act shall take effect immediately.

*An Act concerning assessments upon the stock of corporations.*

[Approved April 4, 1864, Stats. 1863-4, p. 402.]

[Enacting clause.]

122. SECTION 1. The Trustees of any corporation formed under the general laws of this State, shall have power to levy and collect, for the purpose of paying the proper and legal expenses of such corporation, assessments upon the capital stock thereof, in the manner and form and to the extent hereinafter provided, and not otherwise.

Trustees  
may levy  
assess-  
ments.

123. SEC. 2. No assessment shall exceed five per cent of the capital stock of the corporation, and none shall be levied while any portion of any previous assessment shall remain unpaid or uncollected, except in cases where all the powers of the corporation shall have been exercised in accordance with the terms of this Act for the purpose of collecting such previous assessment, and except, also, the collection of a previous assessment against one or more stockholders restrained by injunction or otherwise, in which case further assessment may be levied and collected according to this Act.

Limitation.

124. SEC. 3. No assessment shall be levied except by order of the Board of Trustees, concurred in by a majority of said Board, and entered upon the records of the corporation.

How  
levied.

125. SEC. 4. Every order levying an assessment shall specify the amount thereof, and the time when the person or persons to whom and the place or places where the same is payable. It shall also appoint a day for the advertisement of the delinquent list, which shall not be less than thirty nor more than thirty-five days from the time of the making of such order, and

Order of  
levy.

a day for the sale of delinquent stock, which shall not be less than ten nor more than twenty days from the time appointed for the advertisement of the delinquent list.

**Notice.**        126. SEC. 5. Upon the making of such an order, the Secretary shall cause to be published immediately a notice thereof in the following form:

**Form.**        “(Name in full. Location of works.) Notice is hereby given that at a meeting of the Trustees of said company, held on the (date), an assessment of (amount) per share was levied upon the capital stock of said company, payable (when, to whom, and where, particularly). Any stock upon which said assessment shall remain unpaid on the (day fixed), will be advertised on that day as delinquent, and unless payment shall be made before, will be sold on the (day appointed), to pay the delinquent assessment, together with costs of advertising and expenses of sale. (Signature of the Secretary, with particular location of office.)”

**Publication.**        127. SEC. 6. Said notice shall be published once a week for four successive weeks, in some daily or weekly paper published at the place designated in the articles of corporation as the principal place of business of the corporation, and also in some paper published in the county in which the works of the corporation are situated, if a paper be published therein;

**Exceptions**        *provided*, that if the works of the corporation are not situated within some State or Territory of the United States, then publication in a paper of the county shall not be necessary; and, *provided, also*, that if there is no paper regularly issued on Saturdays at any place where publication is required to be made, the notice may be published in every issue of the paper which is most frequently issued at such place, for the full period of four weeks; and, *provided, also*, that if there

is no newspaper published at the place designated as the principal place of business of the corporation, then the publication shall be made in the newspaper published nearest thereto; and, *provided, also*, that the notice specified in the fifth section of this Act may be served by delivering a copy thereof, certified by the Secretary, to each stockholder personally, and in case of such service upon all the stockholders of said corporation, then no notice by publication shall be necessary, and such personal notice shall be complete.

128. SEC. 7. If any portion of the assessment mentioned in said notice shall remain unpaid on the day specified therein for the publication of the notice of sale, the Secretary shall, unless otherwise ordered by the Board of Trustees, cause to be published in the same papers in which the notice provided for in section five shall have been published, a notice substantially in the following form:

Delinquent  
assess-  
ments.

“(Name in full. Location of works.) NOTICE.— There is delinquent upon the following described stock, on account of assessment levied on the (date), (and assessments levied previous thereto, if any), the several amounts set opposite the names of the respective shareholders, as follows:

Form of  
notice of  
sale.

Name.	No. of Certificate.	No. of Shares.	Amount.
-------	---------------------	----------------	---------

And in accordance with law (and an order of the Board of Trustees, made on the (date), if any such order shall have been made,) so many shares of each parcel of said stock as may be necessary, will be sold at the (particular place), on the (date), at (the hour) of said day, to pay said delinquent assessments thereon, together with costs of advertising and expenses of the sale. (Name of Secretary, with particular location of office.)”

What  
notice shall  
state.

129. SEC. 8. Said last named notice shall state every certificate of stock separately, with the number of shares which it represents, and the amount due thereon, except where certificates may not have been issued to parties entitled thereto, in which case the number of shares and the amount due thereon, together with the fact that the certificates for such shares have not been issued, shall be stated.

How  
published.

130. SEC. 9. Said notice, when published in a daily or weekly paper, or in both, shall be published as follows: when published in a daily paper, the same shall be published for a period of ten days, excluding Sundays and holidays, previous to the day of sale; when in a weekly paper, the same shall be published for two weeks previous to the day of sale, the first publication in the weekly being at least fourteen days prior to the day of sale.

Jurisdic-  
tion  
acquired.

131. SEC. 10. By the publication of said notices, as hereinbefore provided, the corporation shall acquire jurisdiction to sell and convey a full, complete, perfect, and absolute title to all the stock described in the notice of sale upon which any portion of the assessment or costs of advertising shall remain unpaid at the hour appointed for the sale, but shall sell no more of such stock than is necessary to pay the assessments due and cost of sale.

Sale to be  
by auction.

132. SEC. 11. On the day, and at the place, and as nearly as may be at the hour appointed in the notice of sale, the Secretary shall, unless otherwise ordered by the Board of Trustees, sell or cause to be sold at public auction, to the highest bidder for cash, so many shares of each parcel of said described stock as may be necessary to pay the assessment and charges thereon, according to the terms of said notice of sale; *provided*, that if payment be made before the time

Proviso.



fixed for sale, the party paying shall only be required to pay the actual cost of advertising.

133. SEC. 12. The person offering at such sale to pay the assessment and costs for the smallest number of shares or fraction of a share, shall be deemed the highest bidder.

134. SEC. 13. The times fixed in any notice published according to the provisions [of this Act] may be once extended for a period of not more than ten days, by order of the Board of Trustees, duly made and entered on the records of the corporation; but no order extending the time for the performance of any act specified in any notice shall be effectual unless notice of such extension or postponement be appended to and published with the notice to which [the] order relates, before the completion of the regular course of publication thereof.

135. SEC. 14. No assessment duly levied shall be rendered invalid by a failure to make proper publication of the notices hereinbefore provided for, nor by the non-performance of any act required to be performed in order to enforce the payment of the same; but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings, except the levying of the assessment, shall be void, and publication shall be begun anew.

136. SEC. 15. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; *provided*, that such repeal shall not affect proceedings commenced for the collection of assessments heretofore levied, but all such assessments may be collected in accordance with the provisions of the laws then in force.

SEC. 16. This Act shall take effect immediately.

*An Act relating to certificates of incorporation.*

[Approved March 1, 1870, p. 107.]

[Enacting clause.]

Amended  
certificate  
of incor-  
poration.

137. SECTION 1. Any corporation now or hereafter organized under the laws of this State may amend its articles of association, or certificate of incorporation, by a majority vote of the Board of Directors or Trustees, and by a vote or written assent of the stockholders representing at least two thirds of the capital stock of such corporation, and a copy of the said articles of association or certificate of incorporation, as thus amended, duly certified to be correct by the President and Secretary of the Board of Directors or Trustees of such corporation, shall be filed in the same office or offices where the original articles or certificate are required by law to be filed; and from the time of filing such copy of the amended articles or certificate, such corporation shall have the same powers, and it and the stockholders thereof shall be thereafter subject to the same liabilities, as if such amendment had been embraced in the original articles or certificate; *provided*, that the time of the existence of such corporation shall not be thereby extended beyond the time fixed in the original articles or certificate; and, *provided further*, that such original and amended articles or certificate shall, together, contain all the matters and things required by the law under which the original articles of association or certificate of incorporation were executed and filed; and, *provided further*, that nothing herein contained shall be construed to cure or amend any defect existing in any original certificate of incorporation heretofore filed, by reason of the failure of such certificate to set forth the matters required by law to make the same valid as a certificate of incorporation

at the time of the filing thereof; also, *provided*, that Same.  
 unless the vote or written assent of all the stockholders  
 has been obtained, then a notice of the intention to  
 make such amendment shall be first advertised for sixty  
 days, in some newspaper published in the town or  
 county in which the principal place of business of said  
 company is located; and the written protest of any one  
 of said stockholders, or his duly authorized agent or  
 attorney, whose assent has not been obtained, filed  
 with the Secretary of the said company, shall, unless  
 withdrawn, be effectual to prevent the adoption of such  
 amendment; *provided*, that nothing in this Act shall  
 be construed to authorize any corporation to diminish  
 its capital stock.

SEC. 2. This Act shall take effect and be in force  
 from and after its passage.

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*An Act concerning assessments upon the stock of corpora-  
 tions.*

[Approved March 26, 1866, p. 458.]

[Enacting clause.]

138. SECTION 1. The Trustees of any corporation, Assess-  
ments.  
 formed under the general laws of this State, shall have  
 power to levy and collect, for the purpose of paying  
 the proper and legal expenses of such corporation,  
 assessments upon the capital stock thereof, in the man-  
 ner and form and to the extent hereinafter provided,  
 and not otherwise.

139. SEC. 2. No one assessment shall exceed five Rate, etc.  
 per cent of the stated amount of the capital stock of  
 the corporation named in the articles of incorporation,  
 and none shall be levied while any portion of any pre-  
 vious assessment shall remain unpaid or uncollected,  
 except in cases where all the powers of the corpora-  
 tion shall have been exercised in accordance with the

terms of this Act for the purpose of collecting such previous assessment against one or more stockholders; and except, also, the collection of a previous assessment against one or more stockholders, restrained by injunction or otherwise, in which case further assessment may be levied and collected according to this Act.

**How levied**      140. SEC. 3. No assessment shall be levied except by order of the Board of Trustees, concurred in by a majority of said Board, and entered upon the records of the corporation.

**What order shall contain.**      141. SEC. 4. Every order levying an assessment shall specify the amount thereof, and the time when the person or persons to whom, and the place or places where the same is payable. It shall also appoint a day, subsequent to the full term of publication of the assessment notice, on which the stock upon which assessments remain unpaid shall be deemed delinquent, which said day shall not be less than thirty nor more than sixty days from the time of the making of the said order levying the assessment, and a day for the sale of delinquent stock, which shall not be less than fifteen nor more than sixty days from the time appointed for declaring said stock delinquent.

**Notice of assessment.**      142. SEC. 5. Upon the making of such an order the Secretary shall cause to be published immediately a notice thereof in the following form:

**Form.**      (Name in full. Location of works.) Notice is hereby given that at a meeting of the Trustees of said company, held on the (date) an assessment of (amount) per share was levied upon the capital stock of said company, payable (when, to whom, and where, particularly.) Any stock upon which said assessment shall remain unpaid on the (day fixed) shall be deemed delinquent, and will be duly advertised for sale at public

auction, and unless payment shall be made before, will be sold on the (day appointed) to pay the delinquent assessment, together with costs of advertising and expenses of the sale.

(Signature of Secretary, with particular location of office.)

143. SEC. 6. Said notice shall be published once each week for four successive weeks in some daily or weekly paper published at the place designated in the articles of corporation as the principal place of business of the corporation, and also in some paper published in the county in which the works of the corporation are situated, if a paper be published therein; *provided*, that if the works of the corporation are not situated within some State or Territory of the United States, then publication in a paper of the county shall not be necessary; *provided*, also, that if there is no newspaper published at the place designated as the principal place of business of the corporation, then the publication shall be made in the newspaper published nearest thereto; and *provided*, also, that the notice specified in the fifth section of this Act may be served by delivering a copy thereof, certified by the Secretary, to each stockholder personally; and in case of such service upon all the stockholders of said corporation, then no notice by publication shall be necessary, and such personal notice shall be deemed complete.

Publica-  
tion and  
service.

144. SEC. 7. If any portion of the assessment mentioned in said notice shall remain unpaid on the day specified therein for declaring the stock delinquent, the Secretary shall, unless otherwise ordered by the Board of Trustees, cause to be published in the same papers in which the notice provided for in section five shall have been published, a notice substantially in the following form:

Delinquent  
notice.

**Form.**

(Name in full. Location of works.) **NOTICE.**—There is delinquent upon the following described stock on account of assessment levied on the (date) (and assessments levied previous thereto, if any), the several amounts set opposite the names of the respective shareholders, as follows: (Names, number of certificate, number shares, amount.) And in accordance with law (and an order of the Board of Trustees, made on the [date] if any such order shall have been made,) so many shares of each parcel of said stock as may be necessary, will be sold at the (particular place), on the (date) at (the hour) of said day, to pay said delinquent assessments thereon, together with costs of advertising and expense of the sale.

(Name of Secretary, with particular location of office.)

**Contents of notice.**

145. SEC. 8. Said last named notice shall state every certificate of stock, with the number of shares which it represents, and the amount due thereon, separately, except where certificates may not have been issued to parties entitled thereto, in which case the number of shares and the amount due thereon, together with the fact that the certificates for such shares have not been issued, shall be stated.

**Publication.**

146. SEC. 9. Said notice, when published in a daily or weekly paper, or in both, shall be published as follows: When published in a daily paper, the same shall be published for a period of ten days, excluding Sundays and holidays, previous to the day of sale. When published in a weekly paper, the same shall be published for two weeks previous to the day of sale. The first publication of all delinquent sales shall be at least fifteen days prior to the day of sale.

147. SEC. 10. By the publication of the said notices as hereinbefore provided, the corporation shall

acquire jurisdiction to sell and convey a full, complete, perfect, and absolute title to all of the stock described in the notice of sale upon which any portion of the assessment or costs of advertising shall remain unpaid at the hour appointed for the sale, but shall sell no more of such stock than is necessary to pay the assessments due and costs of sale. Right to sell.

148. SEC. 11. On the day and at the place, and as nearly as may be at the hour appointed in the notice of sale, the Secretary, who is hereby fully empowered and authorized, shall, unless otherwise ordered by the Board of Trustees, sell, or cause to be sold, at public auction, to the highest bidder, for cash, so many shares of each parcel of said described stock as may be necessary to pay the assessment and charges thereon, according to the terms of said notice of sale; *provided*, that if payment be made before the time fixed for sale, the party paying shall only be required to pay the actual cost of advertising. Sale, etc.

149. SEC. 12. The person offering at such sale to pay the assessment and costs for the smallest number of shares, or fraction of a share, shall be deemed the highest bidder. Highest bidder.

150. SEC. 13. If, at the sale of any stock under the foregoing provisions of this Act, no bidder shall offer to take and purchase the same for the amount of the assessments, and costs and charges then due upon the same, then, and in such case, the same may be purchased and bid in by the company or corporation, through the Secretary, or President, or any Director or Trustee thereof, at a sum equal to the amount of the assessments, costs, and charges due upon the same; and in pursuance and by virtue of such purchase, the said assessments, costs, and charges shall be credited as satisfied, and paid in full on the books of such corporation, and entry of the transfer of In default of bidders, corporation may purchase.

Disposition of stock purchased by corporation.

such stock to such corporation, in pursuance of such sale and purchase, shall be made on the books of said corporation. While such stock shall remain the property of such corporation, the same shall not be assessable, nor shall any dividends be declared upon the same; but all assessments and dividends shall be apportioned upon and against the other stock of such company not owned by such corporation. All purchases of its own stock made by any corporation, in accordance with the provisions of this section, shall be held valid, and as vesting the legal title to the same in said corporation; and the stock so purchased shall be held subject to the control of the remaining stockholders, who may make such disposition of the same as they may deem fit, in accordance with the by-laws of the corporation, or vote of a majority of all the remaining shares. Whenever any portion of the capital stock of any corporation is held by the said incorporation by purchase, as aforesaid, a majority of the remaining shares of stock in said corporation shall be held to be a majority of the shares of the stock in said incorporated company for all purposes of election, or voting on any question before a stockholders' meeting.

Extension of time of delinquent sale.

151. SEC. 14. The times or dates fixed in any notice of assessment or notice of delinquent sale, published according to the provisions of this Act, may be once extended, for a period of not more than thirty days, by order of the Board of Trustees, duly made and entered on the records of the corporation; but no order extending the time for the performance of any act specified in any notice shall be effectual unless notice of such extension or postponement be appended to and published with the notice to which the order relates.



152. SEC. 15. No assessment duly levied shall be rendered invalid by a failure to make proper publication of the notices hereinbefore provided for, nor by the non-performance of any act required to be performed in order to enforce the payment of the same; but in case of any substantial error or omission in the course of proceedings for collections, all previous proceedings, except the levying of the assessment, shall be void, and publication shall be begun anew.

Assess-  
ments shall  
not be  
invalidated

153. SEC. 16. No action shall be sustained to recover any stock or invalidate the sale of any stock for delinquent assessments, upon the ground of any irregularity in making the assessment, or for any irregularity in or defect of the notice of such sale, or for any defect or irregularity in the sale, unless the party seeking to maintain such action shall first pay or tender to the corporation or the party holding such stock so sold, the sum for which the same was sold, together with all subsequent assessments which may have been paid thereon, and interest on such sums from the time they were paid; and no such action shall be sustained, unless the same shall be commenced by the filing of a complaint, and the issuance of a summons thereon within six months after such sale shall have been made.

Action for  
recovery of  
stock.

154. SEC. 17. An Act concerning assessments upon the stock of corporations, approved April fourth, eighteen hundred and sixty-four, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not affect proceedings commenced for the collection of assessments heretofore levied, but all such assessments may be collected in accordance with the provisions of the laws then in force.

Repeal.

Not to  
apply to  
assess-  
ments  
levied.

SEC. 18. This Act shall take effect immediately.

*An Act supplementary to the foregoing.*

[Approved March 9, 1870, p. 229.]

[Enacting clause.]

Affidavit of  
publicationAffidavit of  
sale.

To be filed.

155. SECTION 1. The publication of any and all notices required by the provisions of said Act to which this is supplementary, may be proved by the affidavit of the printer or his foreman, or principal clerk of the paper in which the same was published; and the affidavit of the Secretary or other auctioneer who may have sold any stock for delinquencies under said Act shall be prima facie evidence of the time and place of such sale, of the quantity and particular description of the stock sold, and to whom and for what price, and of the fact of the purchase money being paid. Such affidavits shall be filed in the office of the corporation, and copies of the same, certified by the Secretary thereof as true and correct, shall be admissible in evidence in all Courts the same as the original, and shall be prima facie evidence of the facts therein stated. Such certificate purporting to be signed by said Secretary, and purporting to be under the seal of such corporation, shall be prima facie proof of the fact that the person signing the same was, at the date thereof, such Secretary, that his signature thereto is genuine, and that such seal is the seal of said corporation.

SEC. 2. This Act shall take effect and be in force from and after its passage.

[An Act concerning corporations, passed April 22d, 1850, p. 347; and, also, an Act to provide for the incorporation of mutual insurance companies, passed April 26th, 1851, p. 523, so far as they related to insurance companies, and constituting Chapter II of said Act, was repealed so far as it conflicted with the provisions of the following Acts regulating insurance companies in this State.]

## ARTICLE II.

## FOREIGN CORPORATIONS.

SECTION 156. To designate some person upon whom process may be served.

157. If designation not made.

158. Service.

159. "Process," how construed.

160. Service of process by Sheriff.

*An Act concerning foreign corporations.*

[Approved April 4, 1870, p. 881.]

[Enacting clause.]

156. SECTION 1. Every corporation heretofore created by the laws of any other State, and doing business in this State, shall, within one hundred and twenty (120) days after the passage of this Act, and any corporation hereafter created and doing business as aforesaid, within sixty (60) days from the time of commencing to do business in this State, designate some person residing in the county in which the principal place of business of said corporation in this State is, upon whom process issued by authority of or under any law of this State may be served; and within the time aforesaid, shall file such designation in the office of the Secretary of State, and a copy of such designation, duly certified by said officer, shall be evidence of such appointment; and it shall be lawful to serve on such person so designated, any process issued as aforesaid. Such service shall be made on such person in such manner as shall be prescribed in case of service required to be made on foreign corporations, and such service shall be deemed to be a valid service thereof.

To designate some person upon whom process may be served.

157. SEC. 2. In all cases where such designation shall not be made as aforesaid, it shall be lawful to serve such process on any person who shall be found

If designation not made.

within this State acting as the agent of said corporation or doing business for them.

Service.

158. SEC. 3. Service made in accordance with any provisions of this Act shall be as effectual as if made in the form and manner required by law, and shall be deemed a full compliance with any statute requiring personal or other service to be made.

"Process,"  
how  
construed.

159. SEC. 4. The term "process" in this Act shall be held and deemed to include any writ, summons, or order whereby any action, suit, or proceeding shall be commenced, or which shall be issued in or upon an action, suit, or proceeding, by any Court, officer, or magistrate.

Service of  
process by  
Sheriff.

160. SEC. 5. When any process shall be delivered to the Sheriff for service upon a foreign corporation, it will be his duty to execute it, whether such corporation has, in pursuance of the foregoing provisions, designated any person on whom such service may be made, or not; and if he find that such designation has been made, he shall make such service of such process upon him, in the same manner as if he was an officer of the corporation within the State. If no such designation has been made, he may then make the service in like manner upon any person in his county acting as agent of such corporation, or doing business for them; and his return of such service shall show that the person served has been designated by such corporation, on whom process against such corporation might be served. If no person has been so designated, and the service is made upon an agent or party doing business for the corporation, the return should show that no person has been so designated, and that the person upon whom the service was made was acting as agent for said company within this State, or that he was doing business for it, as the fact may be.

ARTICLE III.

INSURANCE COMPANIES.

SECTION 161. Certificate of incorporation.

162. Corporation formed by filing certificate.

163. Business managed by Directors.

164. President and other officers.

165. Directors may call in subscriptions.

166. Stock to be transferable.

167. Certified copy of certificate evidence.

168. Against what risks such corporations may insure.

169. Policies of insurance.

170. Investment of funds of company.

171. Certificate of amount of capital paid in to be recorded.

172. Annual report to be made.

173. Dividends may be declared.

174. Directors declaring a dividend, except from profits, to be personally liable for debts; proviso.

175. Statement of profits.

176. Liability for loss in certain cases.

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179. Extent of any one risk.

180. Money only payment of capital stock.

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183. Provisions of "Act concerning corporations" applied.

184. Incorporation.

185. Directors may call in subscriptions.

186. Insurable subjects and risks.

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188. Notes of subscribers as capital stock; loans to stockholders prohibited; declaration of profits, etc.

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193. Stockholders' meeting and notice thereof; vote.

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197. If business carried on by agents.

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- 217. Incorporation.
- 218. Election of Directors.
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- 220. Payment of subscriptions; capital to be paid in within twelve months.
- 221. Stock transferable.
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- 241. Board of Directors; annual meeting and election.
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- 243. By-laws; meetings and election; quorum and vacancies; powers and duties of officers; holding and disposition of stock.
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- 245. Of what Guarantee Fund shall consist; deficiency in fixed capital.
- 246. Declaration of fixed capital; guarantee notes, and interest.
- 247. How capital may be invested.
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- 256. When valuation not accepted in other States.
- 257. Stamps not required.

*An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

**CHAPTER II.—INSURANCE COMPANIES.**

**161. SEC. 33.** Any seven or more persons who may desire to form an insurance company, may make, sign, and acknowledge before some officer competent to take acknowledgment of deeds, and file in the office of the Clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the amount of the capital stock, the term of its existence (not to exceed fifty years), the number of shares of which its stock shall consist, the number of Directors and their names who shall manage the concerns of the company for

Certificate  
of incorpo-  
ration.

the first year, and the names of the town and county in which the office of the company is to be established.

Corporation formed by filing certificate.

162. SEC. 34. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same shall be a body politic and corporate, by the name stated in the certificate.

Business managed by Directors.

163. SEC. 35. The business of such company shall be managed by not less than seven Directors, one of whom shall be President of the company. They shall, except those of the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company. They shall all be stockholders of the company and citizens of the United States, and the majority of them shall be citizens of this State. Notice of the time of holding such election shall be published not less than ten days previous thereto, in the newspaper nearest to the place where the office of the company is situated; and the election shall be held by such of the stockholders as shall attend in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company; and the persons receiving the greatest number of votes shall be Directors; and when any vacancy shall happen among the Directors, by death, resignation, or otherwise, it shall be filled, for the remainder of the year, in such manner as may be provided for by the by-laws of the said company.

President and other officers.

164. SEC. 36. There shall be a President of the company, who shall be designated from the members of the Directors, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of



their office as the company by its by-laws may require.

165. SEC. 37. It shall be lawful for the Directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if a personal demand or notice requiring such payment shall have been published for six successive weeks, in the newspaper nearest to the place where the business of the company shall be carried on as aforesaid. The capital shall all be paid in within twelve months from the filing of the certificate.

Directors may call in subscriptions.

166. SEC. 38. The stock of such company shall be transferable in such manner as shall be prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of stock in any other corporation.

Stock to be transferable.

167. SEC. 39. The copy of any certificate of incorporation, filed in pursuance of this Act, certified by the County Clerk or his deputy to be a true copy, and of the whole of such certificate, shall be received in all Courts and places as presumptive legal evidence of the facts therein stated.

Certified copy of certificate evidence.

168. SEC. 40. Every company incorporated under this Chapter may make insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his ab-

Against what risks such corporations may insure

sence at sea, and on money lent upon bottomry and respondentia; and they may also make insurance against fire on any dwelling houses or other buildings, and on merchandise or other property within the United States.

**Policies of insurance.**

169. SEC. 41. All policies of insurance made by such companies shall be subscribed by the President, or in case of his death, inability, or absence, by any two of the Directors, and countersigned by the Secretary of the company, and they shall be binding upon the company in like manner as if executed under the corporate seal thereof.

**Investment of funds of company.**

170. SEC. 42. The said company may invest its funds by loan thereof, in such manner as the Directors may deem most advantageous, and may take security therefor; but shall not, directly or indirectly, deal or trade in buying and selling any goods, wares, merchandise, property, stocks, or commodities whatever. (Amendment approved April 27th, 1863, p. 747; took effect from passage.)

**Certificate of amount of capital paid in to be recorded**

171. SEC. 43. The President and a majority of the Directors, within thirty days after the payment of the last installment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the President and a majority of the Directors, and they shall, within the said thirty days, record the same in the office of the County Clerk of the county wherein the business of the said company is carried on.

**Annual report to be made.**

172. SEC. 44. Every such company shall, annually, within twenty days from the first day of January, make a report, which shall be published, in the town or city, or if there be no newspaper in said city or town, then in some newspaper published nearest

the place where the business of the company is carried on, which shall state the amount of capital, and of the proportion actually paid in, and the amount of its existing debts, and of insurances effected, which report shall be signed by the President and a majority of the Directors, and shall be verified by the oath of the President or Secretary of said company, and filed in the office of the County Clerk of the county where the business of the company shall be carried on; and, if any of said companies shall fail so to do, all the Directors of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made. Same.

173. SEC. 45. The Directors of every such company, at such times as their charter or by-laws shall prescribe, shall make dividends of so much of the profits of the company, and of the interest arising from their capital stock, as to them shall appear advisable; but the moneys received and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as part of the said profits. Dividends may be declared.

174. SEC. 46. If the Directors of any such company shall declare and pay any dividends when the company is insolvent, or any dividend, the payment of which shall render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, while they shall respectively continue in office; *provided*, that if any of the Directors shall object to the declaring of such dividend, or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the clerk of the company, and with Directors declaring a dividend, except from profits, to be personally liable for debts.

Proviso.

the County Clerk, they shall be exempt from the said liability.

Statement  
of profits.

175. SEC. 47. Once in every three years, and oftener if required by the stockholders, the Directors shall lay before them an exact and particular statement of the profits, if there be any, after deducting losses and dividends.

Liability  
for loss in  
certain  
cases.

176. SEC. 48. If any of the said companies shall be under liability for losses to an amount equal to their stock, and the President or Directors, after knowing the same, shall make any new or further insurance, the estates of all who shall make such insurance, or assent thereto, shall be severally and jointly liable for the amount of any loss which shall take place under such insurance.

Publica-  
tion of  
certain  
particulars.

177. SEC. 49. The President and Directors of every such company shall, previous to subscribing any policy, and once in every year afterwards, publish, in two newspapers printed in this State, the amount of their stock, against what risks they insure, and the largest sum they will take on any one risk.

Officers  
may be  
examined  
on oath.

178. SEC. 50. The President and Directors of every such company shall, whenever required by the Legislature, lay before them a statement of the affairs of the company, and submit to an examination on oath concerning the same.

Extent of  
any one  
risk.

179. SEC. 51. The said companies shall never take, on any one risk, whether it be a marine risk or an insurance against fire, a sum exceeding one tenth part of their capital actually paid in.

Money  
only  
payment  
of capital  
stock.

180. SEC. 52. Nothing but money shall be considered as payment of any part of the capital stock, and no loan of money shall be made by any such company to any stockholder therein; and, if any such

loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

181. SEC. 53. If any certificate or report made, or public notice given, by the officers of any such company, in pursuance of the provisions of this Act, shall be false in any material representation, all the officers who have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

False  
certificates  
or reports.

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*An Act to provide for the incorporation of mutual insurance companies.*

[Passed April 26, 1851, p. 523.]

[Enacting clause.]

182. SECTION 1. Any seven or more persons who desire to form a mutual insurance company, shall make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the Clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the proposed amount of the capital stock, the proposed term of its existence, not to exceed twenty years, the proposed number of shares of which its stock shall consist, the number of Directors, and their names, who shall manage the concerns of the company for the first year, and the names of the town and county in which the office of the company is to be established.

Number of  
persons to  
make  
certificate.

Provisions  
of "Act  
concerning  
corpora-  
tions"  
applied.

183. SEC. 2. All the provisions of Chapter II of the Act entitled "An Act concerning corporations," passed April twenty-second, eighteen hundred and fifty, excepting sections thirty-four, thirty-seven, forty-two, forty-three, fifty-one, and fifty-two of said Chapter, shall be applicable to mutual insurance companies.

Incorpora-  
tion.

184. SEC. 3. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and those who shall thereafter subscribe to the capital stock, or who shall become insurers under such certificate of organization, shall be a body politic and corporate by the name stated in the certificate.

Directors  
may call in  
subscrip-  
tions.

185. SEC. 4. It shall be lawful for the Directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if a personal demand shall have been made at least six weeks previously, or if a notice requiring such payment shall have been published for six successive weeks, in some newspaper of the place where the business of said company is carried on, or if no newspaper be published in such place, then in a newspaper published nearest thereto.

Insurable  
subjects  
and risks.

186. SEC. 5. Every company incorporated under this Act may make insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his or her absence at sea, and on money lent on bottomry and respondentia, and may also make insurance against fire, on any dwelling house, buildings, merchandise, or other property situated in the State of California, and may also make insurance upon the life

of any person, whether at home or abroad, for a limited term, or during his or her natural life.

187. SEC. 6. No company incorporated under this Act shall take on any one risk, whether it be a marine risk, an insurance against fire, or an insurance on the life of any person, a sum exceeding one tenth part of their capital subscribed.

Amount of  
single risk  
limited.

188. SEC. 7. Notes of the subscribers to the capital stock, approved by the Directors of the company, and upon which shall have been paid not less than ten per cent in cash, may be taken as part of the capital stock, and such notes shall be subject to such assessments, from time to time, as the Directors of the company may require; but no debts shall be contracted, and no policies shall be issued by such company before such notes shall have been given, and such ten per cent paid thereon. All premiums upon policies of insurance issued by such companies shall be required to be paid in cash. No loan of money shall be made by any such company to any stockholder there-  
to; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the repayment of the sum so loaned. No declaration of profit shall be made until the net earnings of the company shall have accumulated to a sum equal in amount to the original capital stock subscribed, which shall there remain with the company as a cash capital, not subject to division among the stockholders until the business of the company shall have been closed, its debts paid, and its outstanding policies canceled; and if any deficiency shall ever at any time occur in such cash capital, from any cause, no further division of profits

Notes of  
subscribers  
as capital  
stock.

Loans to  
stock-  
holders  
prohibited.

Declara-  
tion of  
profits, etc.

shall take place until such deficiency shall have been made up entire.

When  
policies  
may be  
issued.

189. SEC. 8. No company shall issue policies until the sum of two hundred thousand dollars shall have been subscribed, and conditions complied with, as required in section seventh.

Not to  
engage in  
trade.

190. SEC. 9. No company shall directly or indirectly deal or trade in buying or selling any goods, wares, merchandise, stock, or commodities whatever; but this shall not be construed to prevent such company from selling any goods, wares, merchandise, stock, or commodities which may have been hypothecated or pledged with them as securities, for the loan or investment of money, whenever the same is made in good faith to protect the company from loss upon such loan or investment.

May make  
reinsurance

191. SEC. 10. Companies incorporated under this Act may cause themselves to be reinsured, when deemed expedient, against any risk or risks against which they have made, or may make, insurance.

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*An Act supplementary to Act of April twenty-second, eighteen hundred and fifty.*

[Approved January 25, 1866, p. 23.]

[Enacting clause.]

May  
increase  
capital  
stock.

192. SECTION 1. Any insurance company heretofore or hereafter incorporated under Chapter II of the Act to which this Act is supplementary, the capital stock of which has been entirely paid in, may, as is herein provided, increase its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation, which increased capital stock shall all be called in, demanded, and paid in according to the provisions and requirements of



said Act, the same as if it had been a part of the original capital stock.

193. SEC. 2. Whenever it is desired to increase the amount of capital stock, a meeting of the stockholders may be called by a notice, signed by at least a majority of the Trustees, and published for at least four weeks in some newspaper published in the county where the principal place of business is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase of the amount of the capital stock.

Stock-holders' meetings and notice thereof.

Vote.

194. SEC. 3. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Trustees, and filed, as required by the thirty-third section of the Act to which this Act is supplementary, and when so filed the capital stock of the corporation shall be increased to the amount specified in the said certificate.

Certificate of increase of stock to be filed.

SEC. 4. This Act shall take effect immediately.

*An Act prescribing certain conditions for the transaction of insurance business in the State of California.*

[Approved March 26, 1868, p. 323.]

[Enacting clause.]

Applica-  
tion of Act,  
persons, etc

195. SECTION 1. The provisions of this Act shall apply to and include, under the general designation of "person" or "persons," all companies, corporations, associations, and the agents thereof, engaged, or who may hereafter engage, in the business of insurance in this State, whether such business be fire, marine, inland, life, accidental, or any other kind of insurance, and whether such companies, corporations, and associations be engaged or formed under the laws of this State, or any other State of the United States, or any Territory or District thereof, or any foreign State or country, and whether such agents carry on said business or agents of any company, corporation, or association organized or formed under the laws of this State, or of any other State of the United States, or any Territory or District thereof, or of any foreign State or country.

Certificates  
to be filed.

196. SEC. 2. Every corporation and every person, within the meaning of this Act, engaged in the business of insurance in this State at the time of the passage of this Act shall, within ninety days after its passage, and every such corporation and person who may hereafter propose to engage in such business, shall, before commencing the same, file in the office of the Insurance Commissioner of this State a certificate, as follows:

California  
corpora-  
tions.

First—If incorporated or formed under the laws of this State, a copy of the certificate of incorporation, or of any increase or diminution of the capital stock, certified by the Secretary of State to be a copy of that which is required by law to be filed in his office.

Second—If organized or formed under the laws of any other State of the United States, or of any Territory or District thereof, or of any foreign State or country, a copy of the certificate of incorporation; if organized or formed under any law requiring a certificate be filed, duly certified by the officer having the custody of such certificate; or if not so organized or formed, then a copy of the law, charter, or deed of settlement under which the organization or formation is made, duly certified by the proper custodian thereof, or proved by affidavit to be a copy; also, a certificate, under the hand and seal of the Auditor, Controller, Insurance Superintendent or Commissioner, or other proper officer of such State or county having supervision of insurance business therein, that such corporation or company is fully organized under the laws of such State or country, with the amount of capital stock or assets required by this Act.

Other corporations.

Third—If not incorporated, a certificate, setting forth the nature and character of the business, the location of the principal office, the names of the persons and individuals, and of those composing the firm or association engaged in the business, the amount of actual capital employed or to be employed therein, and the names of all officers and persons by whom the business is or may be managed—which certificate shall be verified by the affidavit of the chief officer, Secretary, agent, or manager of said company or association; and if there be any written articles of agreement or association, a copy thereof shall accompany such certificate.

If unincorporated.

197. SEC. 3. Every insurance company or association not formed under the laws of this State, or not incorporated, carrying on the business of insurance by an agent or agents, shall, with the certificate above mentioned and required to be filed, also file in the

If business carried on by agents.

Same.

office of the Insurance Commissioner a certified or verified power of attorney, or written commission or authority to such agent or agents; and whenever there shall be any change of agents, or in the powers or authority of any agent, or any change in respect to any of the particulars required to be set forth in any certificate as in this Act required, within ninety days thereafter notice thereof in writing shall be given to the Insurance Commissioner by the corporation, company, association, or agent affected by such change; and a copy, certified or verified as aforesaid, of any new or further power of attorney, commission, or authority given to any agent, shall, before it is acted under, be filed with the Insurance Commissioner; and when, by any law, agreement, or other writing, any change shall be made in respect to any of the particulars set forth in the certificate on file, a certified copy of such law, agreement, or other writing, verified respectively as certificates are required to be verified, shall be filed at the time of giving notice of such change; *provided*, any person engaged in insurance business in this State at the time of the passage of this Act, shall not, during six months thereafter, be disqualified from continuing such business by a failure to file the papers herein specified, if he be prevented therefrom by causes satisfactory to the Insurance Commissioner.

Increase or  
reduction  
of capital  
stock.

198. SEC. 4. Any insurance company or corporation now or hereafter incorporated under the laws of this State, may increase or reduce the amount of its capital stock by complying with the conditions prescribed for the increase of capital stock by the Act entitled an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved January twenty-fifth, eighteen hundred and sixty-six; *provided*, that such reduc-

tion shall not be below the amount required by this Act, nor in any other manner in violation thereof.

199. SEC. 5. Any company, person, firm, or individual doing the business of fire, marine, or inland insurance in this State, shall annually prepare and deposit in the office of the Insurance Commissioner of this State a statement, duly verified, as follows: If it be made by a person or company organized under the laws of this State, by the oaths of the President and Vice President, or of the Vice President and Secretary thereof; if it be made by a foreign insurance company or person, by the oath of the principal executive officer thereof, or by the oath of a duly authorized agent thereof residing in this State; and if it be made by an individual or firm, by the oath of such individual or a member of such firm; which statement shall exhibit the condition and affairs of every such company, person, firm, or individual, on the thirty-first day of December then next preceding, and shall be published in a newspaper published daily in the City of San Francisco, for the period of one week; and shall be deposited, if made by a domestic corporation, or by a person, firm, or individual residing in this State, on the first day of January of each year, or within thirty days thereafter; and if made by a foreign insurance company or person, or by an agent thereof, on or before the first day of March of each year. Mutual companies formed, existing, and doing business under the Act entitled an Act to provide for the incorporation of mutual insurance companies, passed April twenty-sixth, eighteen hundred and fifty-one, may report their approved stock notes as capital paid up; and such notes shall, for all purposes within the meaning of this Act, be deemed capital stock of such companies. The said statement shall exhibit the following facts and items, in the following order:

Annual  
statements  
of fire,  
marine,  
and inland  
insurance  
companies.

To be  
published.

To contain  
what, etc.

First—Name and location.

Second—Amount of capital stock subscribed.

Third—Amount of capital stock paid up in cash.

Fourth—Assets, including:

1. The value of real estate owned by the company, specifying the incumbrances thereon, if any, \$——.

2. Loans on bond or mortgage on real estate, first liens, \$——; loans on mortgage of vessels, \$——.

3. Interest due and unpaid on said mortgages, \$——.

4. Interest accrued but not due on said mortgages, \$——.

5. The company's valuation of said mortgaged premises, \$——.

6. Insurance in other companies on buildings conveyed by said mortgages, held as collateral, \$——.

7. Insurance in this company on buildings conveyed by said mortgages, held as collateral, \$——.

8. Amount of cash on hand in company's office, \$——.

9. Cash deposited in (State banks) bank, \$——.  
Total amount, cash items, \$——.

10. Amount of stocks, bonds, and all other securities (mortgages excepted) held as security for cash actually loaned by the company (giving par value and market value of same)—par value, \$——; market value, \$——; amount loaned, \$——. Total, \$——.

11. Amount of stocks of the State of California, Nevada, Oregon, and of the United States, and all other stocks and bonds absolutely owned by the company (giving par value and market value of the same)—par value, \$——; market value, \$——. Total amount, \$——.

12. Amount due the company on which judgment has been obtained, \$——.

13. Amount of premiums due and unpaid.

14. Interest (except on mortgages) accrued, but not due.

15. Amount due for rent, including rent accrued, but ~~Same.~~  
not due.

16. All other assets, including stock notes, \$——.  
Aggregate amount of all assets, \$——.

Fifth—Liabilities. The liabilities of this company  
are as follows:

1. Losses adjusted, due and unpaid.
2. Losses adjusted but not due.
3. Losses unadjusted.
4. Losses in suspense, waiting further proof.
5. All other claims against the company.
6. Amount required to reinsure all outstanding marine and inland risks, except marine time risks, being the full amount of premiums on such risks not terminated.
7. Amount required to reinsure all outstanding fire risks and marine time risks, at an average of fifty per cent of the premiums on unexpired risks, \$——.

Sixth—The income of the company for the year just closed, as follows:

1. Net cash premiums received for fire risks, \$——.
2. Net premiums received for marine risks, \$——.
3. Amounts received for interest on bonds and mortgages, \$——.
4. Amounts received for interest from all other loans, \$——.
5. Amount received from all other sources, \$——.
6. Aggregate amount of income received during the year, \$——.

Seventh—The expenditures of the company for the year just closed have been as follows:

1. Amount paid for fire losses, \$——.
2. Amount paid for marine losses, \$——.
3. Cash dividends actually paid during the year, \$——.
4. Paid for commissions to others than officers and Directors, \$——.

Same.

5. Amount paid during the year for salaries, fees, and all other charges, for officers and Directors, \$——.

6. Paid for salaries, fees, and all other charges (excluding commissions) of agents, clerks, and other employés, \$——.

7. Amount paid for State and local taxes, \$——.

8. Amount paid for national taxes and duties, \$——.

9. Amount of all other payments and expenditures, consisting of agency, advertising, printing, rent, and office expenses, \$——.

10. Aggregate amount of expenditures during the year, \$——.

Eighth—Amount of losses during the year, including those reported and disputed, \$——.

Ninth—Risks written during the year. Risks in force December thirty-first, as follows:

1. Net amount of fire risks written during the year, \$——.

2. Net amount of marine risks written during the year, \$——

3. Amount of fire risks in force December thirty-first, \$——, and premiums thereon, \$——

4. Amount of marine risks in force December thirty-first, \$——, and premiums thereon, \$——.

Tenth—Miscellaneous items, as follows:

1. Amount of premiums received during the year, from California, \$——; in Nevada, \$——; in Oregon, \$——, respectively.

2. Net amount of fire risks in force in California, \$——; in Nevada, \$——; in Oregon, \$——, respectively.

3. Greatest amount insured in any one risk, exclusive of reinsurance, \$——.

200. SEC. 6. Every company or corporation, now or hereafter formed under the laws of this State, doing the business of life, health, accidental, or any other



kind of insurance (except fire, marine, or inland), shall annually, on the first day of January, or within thirty days thereafter, prepare and deposit in the office of the Insurance Commissioner, a statement, verified by the oath of its President, Vice President, or Secretary, of the condition of the business on the thirty-first day of December then next preceding, and shall cause the same to be published for the term of one week in some daily newspaper published in the City of San Francisco; and all persons or agents, doing business on behalf of non-residents, or foreign corporations, or principals, shall deposit such statements, verified as above, or by a duly authorized agent thereof in this State, annually, on or before the first day of March. The said statement shall exhibit the following facts and items, in the following order:

Annual statement of companies other than fire, marine, and inland.

1. The number of policies issued during the year.
2. The amount of insurance effected thereby.
3. Amount of premiums received during the year.
4. Amount of interest, and all other receipts, specifying the items.
5. Amount of losses paid during the year.
6. Amount of losses unpaid.
7. Amount of expenses.
8. Amount of State and Federal taxes.
9. Whole amount of policies in force.
10. Amount of liabilities or risks thereon.
11. Amount of all other liabilities.
12. Amount of capital stock subscribed.
13. Amount of capital stock paid up in cash.
14. Amount of accumulation, specifying whether received upon life insurance, annuities, or how otherwise.
15. Amount of assets, and manner in which they are invested, specifying what amount in real estate,

Statement to contain what, etc.

on bond and mortgage, stocks, loans on stocks, premium notes, or other securities.

16. Amount of dividends unpaid.

Penalty for neglect.

201. SEC. 7. Any corporation, company, or association, or persons, within the provisions or meaning of this Act, failing to make and deposit any certificate, or statement, or other paper required by this Act to be filed, shall forfeit and pay to the State of California the sum of five hundred dollars, and an additional penalty of one thousand dollars for each and every month thereafter that such person or persons shall continue to transact any business of insurance in this State, until such certificate, statement, or other paper shall be made and filed in the Commissioner's office, and in addition shall be liable to the proceedings, penalties, and liabilities provided by the insurance laws of this State, which may be recovered by the Insurance Commissioner of this State, by suit in the name of the people of this State, in any Court of competent jurisdiction.

Amount to be reserved before making dividends.

202. SEC. 8. No corporation, company, association, or person, now or hereafter transacting fire, marine, or inland insurance business under the laws of this State, shall make any dividends, except from profits remaining on hand, after retaining unimpaired:

First—The entire subscribed capital.

Second—All the premiums received, or receivable, on outstanding marine or inland risks, except marine time risks.

Third—A fund equal to one half of the amount of all premiums on fire risks and marine time risks, not terminated at the time of making such dividend.

Fourth—A sum sufficient to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

203. SEC. 9. No fire, marine, or inland insurance company or association, organized under the laws of this State, or doing business in this State, with a subscribed capital of less than two hundred thousand dollars, shall hereafter declare any dividends, except from profits remaining on hand after reserving:

To be reserved by companies with less than two hundred thousand dollars capital.

First—A sum necessary to form, with the subscribed capital stock, the aggregate sum of two hundred thousand dollars.

Second—All the premiums received, or receivable, on outstanding marine or inland risks, except marine time risks.

Third—A fund equal to one half the amount of all premiums on fire risks and marine time risks, not terminated at the time of making such dividend.

Fourth—A sum sufficient to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes. ●

204. SEC. 10. Every stockholder or individual receiving a dividend declared contrary to the provisions of this Act, shall be liable to the creditors of such person or company declaring or paying the same, to the amount of the dividend so received, in addition to any other penalties and liabilities made or provided by law.

Illegal dividends.

205. SEC. 11. Every insurance company organized under the laws of this State may purchase, hold, and convey such real estate as may be necessary for the accommodation of its business, not exceeding in value one hundred and fifty thousand dollars; also, such as has been mortgaged or pledged to it as security for loans, or conveyed to it in trust for its benefit, or sold to it in discharge of loans.

Companies may hold real estate.

206. SEC. 12. Every company, association, or individual, not incorporated under the laws of this State, and proposing to transact insurance business by agent

Foreign  
companies  
to file  
bonds.

or agents in this State, shall, before commencing such business, file in the office of the Insurance Commissioner of this State such bonds as have been by law required to be filed in the office of the Controller of State by the provisions of an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, and it shall not be necessary for such companies, associations, or individuals to file such bonds in the Controller's office.

Capital  
required  
for new  
companies.

207. SEC. 13. No company, corporation, or association shall hereafter be formed or organized under the laws of this State, nor shall any individual or person be permitted to transact business as agent of any person or corporation, resident, non-resident, foreign or domestic, in any kind of insurance, except life and live stock, within this State, without a subscribed capital equal at least to one hundred thousand dollars in United States gold coin, twenty-five per cent whereof shall be paid in previous to the issue of any policy, and the balance by monthly or quarterly installments within twelve months from the day of filing the certificate of incorporation.

Life and  
accidental  
insurance  
companies.

208. SEC. 14. No company, corporation, association, or agent shall be permitted to transact the business of life or accidental insurance within this State without a paid-up capital of at least one hundred thousand dollars—all of which shall be subscribed and paid in the manner prescribed by law for other kinds of insurance, except in the case of exclusively mutual life and accidental insurance companies, and in such cases the assets shall amount to at least the sum of one hundred thousand dollars over and above the liabilities.

209. SEC. 15. All statements under this Act and all estimates, percentages, and calculations required to

be made in this Act, by either the Commissioner, or by the persons engaged in the business of fire, marine, and inland insurance, shall be made only in gold coin of the United States.

Gold coin  
the basis of  
estimates.

210. SEC. 16. The following parts of Acts are hereby repealed, to wit: Sections eleven (11) and twenty-one (21) of the Act entitled an Act relating to fire and marine insurance companies, approved April second, eighteen hundred and sixty-six; section fourteen (14) of the Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six; and section four (4) of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four.

Parts of  
Acts  
repealed.

SEC. 17. This Act shall take effect immediately.

*An Act supplementary to the preceding Act.*

[Approved March 18, 1870, p. 321.]

[Enacting clause.]

211. SECTION 1. Whenever existing or future laws of any State of the United States shall require any life insurance company incorporated by, or organized under, the laws of this State to deposit with some officer of this State securities in trust for, or for the benefit of, the policy holders of such company, as a prerequisite to any such company transacting business in such other State, the Insurance Commissioner of this State is hereby authorized to receive from such life insurance company securities of the amount required by the laws of such other State on deposit and

Deposit of  
securities  
by life  
insurance  
companies.

Insurance  
Commis-  
sioner to  
hold in  
trust.

To deposit  
in State  
Treasury.

Solvent  
companies  
may collect  
dividends.

in trust for the policy holders of such company, the value of which shall be equal to the value of interest-bearing stocks, bonds, or other securities of the United States. The Insurance Commissioner shall receive, and upon the receipt of said securities shall forthwith make a special deposit of the same, in packages marked with the name of the company from whom received, in the State Treasury, where they shall remain as security for policy holders in the companies to which they respectively belong; but so long as any company so depositing shall continue solvent, he shall permit such company to collect the interest or dividends on its securities so deposited, and from time to time to withdraw any such securities on depositing other securities in the stead of those to be withdrawn, such new securities to be of the same value mentioned in this Act; but such securities, or any part of the same, shall not be withdrawn from the State Treasury unless upon the written order of the acting President and Secretary of the company making the deposits, which order shall be indorsed by the Insurance Commissioner, or upon the order and authority of some Court of competent jurisdiction. It shall be the duty of the State Treasurer to receive and safely keep the deposit provided for in this Act.

Commis-  
sioner to  
issue  
certificate  
of deposit.

212. SEC. 2. Whenever any life insurance company, incorporated under the laws of this State, shall have deposited with the Insurance Commissioner of this State the requisite securities, in conformity with the laws of the State or States in which such company is desirous of transacting its business, it shall be the duty of the Insurance Commissioner to issue to such company a certificate, under his official seal, of such deposit, for each State which shall require the same, which certificate shall state the items and amount of securities thus deposited, and that the said

Insurance Commissioner is satisfied that they are of the market value represented therein; but no securities shall be estimated above the par value of the same. For each certificate issued as herein provided **Fee.** there shall be paid to the Insurance Commissioner, by the company applying therefor, the sum of five dollars, in United States gold coin.

213. SEC. 3. Whenever any life insurance company shall have so deposited its securities with the Insurance Commissioner of this State, and said company shall have caused all its unexpired policies to be paid, canceled, or reinsured, and all its liabilities under such policies thereby to be extinguished, or to be assumed by other responsible company or companies having a similar deposit with said Insurance Commissioner, it shall be the duty of said Insurance Commissioner, on application of such company, verified by the oath of its President and Secretary, and on being satisfied by an examination of the books of the company, and of its officers under oath, that all of its policies are so paid, canceled, extinguished, or reinsured, to deliver up to said company the securities deposited by such company. **When deposits to be delivered up.**

214. SEC. 4. An examination shall be made annually by the Insurance Commissioner of the securities received by him as aforesaid from each life insurance company; and in case it shall appear at any time that the securities deposited by any company amount to less than the sum required for the purposes for which said deposit was made, the Insurance Commissioner shall notify the said company thereof; and unless the deficiency is made up within thirty days after said notice, it shall be the duty of the Insurance Commissioner to countermand all the certificates he may have issued said company under the second section of this Act, and to give notice thereof to the officers of the **To examine securities annually.** **In case of insufficiency.**

several States to whom said certificate may have been transmitted; and said Insurance Commissioner shall also publish said notice for three weeks successively, in one daily newspaper printed in the City of Sacramento, and one daily newspaper printed in the City of San Francisco, at the expense of said company, collected by assessment, and in manner provided by an Act concerning the transaction of insurance business in this State, approved March twenty-sixth, eighteen hundred and sixty-eight.

Increased  
charges  
in other  
States.

215. SEC. 5. Whenever the existing or future laws of any State of the United States shall require of life insurance companies, incorporated under the laws of this State, and having agencies in such other State, or of the agents thereof, any further or greater license, fees, charges, impositions, taxes, deposit of securities, statements, publications, or certificates of authority, or shall inflict any greater fines or penalties upon such companies or agents than is or are required and inflicted from or upon similar companies or agents of other States, doing business in this State, then, and in every such case, every company of such other State, which has or is about to establish agencies in this State, shall be and is hereby required, before it shall continue or commence to do business in this State, to pay the same license, fees, charges, impositions, and taxes to the Insurance Commissioner of this State, and to make the same statements, publications, certificates of authority to him, and the same deposit of securities to and with the Insurance Commissioner of this State, as is required by the laws of such State, of similar companies and agents of this State, doing business in such other State, and the same fines and penalties shall be inflicted upon companies of such other States and their agents, as are inflicted by such States upon



companies of this State and their agents, under the laws of such other States.

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*An Act relating to fire and marine insurance companies.*

[Approved April 2, 1866, p. 743.]

[Enacting clause.]

216. SECTION 1. Any thirteen or more persons who may desire to form a fire or marine insurance company, or both, may make, sign, and acknowledge before some officer competent to take acknowledgment of deeds, and file in the office of the Clerk of the county in which the business of the company shall be carried on, and a certified copy thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the amount of its capital stock, the term of its existence (not to exceed fifty years), the number of shares of which the stock shall consist, the number of Directors, and their names, who shall manage the concerns of the company for the first year, and the name of the city or town and county in which the office of the company is to be established.

Formation  
of company

217. SEC. 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their associates, shall be a body politic and corporate by the name stated in the certificate.

Incorporation.

218. SEC. 3. The business of such company shall be managed by not less than seven Directors, a majority of whom shall be citizens of this State. They shall, except those of the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company, and shall hold

Election of  
Directors.

office till their successors are duly elected. Notice of the time of holding such election shall be published not less than ten days previous thereto in some newspaper published in the county where the office of the company is situated, and such election may be postponed from day to day, unless a majority of the stock shall be represented at such meeting, and the election shall be held by such of the stockholders as shall attend in person or by proxy; but no election shall be valid unless a majority of the stock is represented. All such elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be Directors. And when any vacancy shall happen among the Directors, by death, resignation, or otherwise, it shall be filled for the remainder of the year by a majority of the Directors remaining in office.

President  
and sub-  
ordinate  
officers.

219. SEC. 4. There shall be a President of the company, who shall be a stockholder in the company, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Payment of  
subscrip-  
tions.

220. SEC. 5. It shall be lawful for the Directors to call in and demand from the stockholders respectively all such sums of money by them subscribed at such times and in such payments or installments as the Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if a personal demand be made or notice requiring such payment shall have been published for six successive weeks, in the same manner as hereinbefore provided for the annual election in section three. The capital shall all be paid in

within twelve months from the filing of the certificate, and nothing but money shall be considered as payment of any part of the capital stock; and it shall not be lawful for any company to issue any policy of insurance until twenty-five per cent of the capital stock is paid up.

Capital to be paid in within twelve months.

221. SEC. 6. The stock of such company shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no share shall be transferable until all previous calls thereon shall have been fully paid.

Stock transferable.

222. SEC. 7. The copy of any certificate of incorporation, filed in pursuance of this Act, certified by the County Clerk or his deputy to be a true copy of such certificate, shall be received in all Courts and places as presumptive legal evidence of the facts therein stated.

Copy of certificate evidence.

223. SEC. 8. Every company, incorporated under this Chapter, may make insurance upon vessels, freight, money, goods, and effects, and on money lent upon bottomry and respondentia; and they may also make insurance against fire on any dwelling house or other buildings, and on merchandise or other property, wherever situated; and they may cause themselves to be reinsured, at the discretion of the officers of the company.

Property which may be insured.

224. SEC. 9. Every such company may purchase, hold, and convey such real estate as may be necessary for the accommodation of its business, not exceeding in value one hundred thousand dollars; also such as has been mortgaged or pledged to it as security for loans, or conveyed in trust for its benefit, or sold to it in discharge of loans.

May hold and convey real estate.

225. SEC. 10. The President and a majority of the Directors, within thirty days after the payment of

Certificate  
of capital  
paid in to  
be filed  
with  
County  
Clerk.

the last installment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the President and a majority of the Directors; and they shall, within the said thirty days, record the same in the office of the City and County Clerk for the city and county wherein the business of the said company is carried on.

[Section eleven was repealed by Act approved March twenty-sixth, eighteen hundred and sixty-eight (p. 330); took effect immediately.]

Declaring  
dividends  
when  
company  
is insolvent

226. SEC. 12. If the Directors of any such company shall declare and pay any dividends when the company is insolvent, or any dividend the payment of which shall render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office; *provided*, that if any of the Directors shall object to the declaring of such dividend, or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection, in writing, with the clerk of the company and with the County Clerk, they shall be exempt from the said liability.

Directors  
liable  
for loss on  
insurance  
in certain  
cases.

227. SEC. 13. If any of the said companies shall be under liabilities for losses to an amount equal to their capital stock, and the President or Directors, after knowing the same, shall make any new or further insurance, the estates of all who shall make such insurance, or assent thereto, shall be severally and jointly liable for the amount of any loss which shall take place under such insurance.

228. SEC. 14. The President and Directors of every such company shall, whenever required by the Legislature, lay before them a full and complete statement of the affairs of the company, and submit to an examination, on oath, concerning the same.

Statement  
for Legis-  
lature.

229. SEC. 15. The said companies shall never take on any one risk, whether it be a marine or an insurance against fire, a sum exceeding one tenth part of their capital actually paid in, without reinsuring the excess above one tenth.

Rate  
risk.

230. SEC. 16. If any certificate or report made, or public notice given, by the officers of any such company in pursuance of the provisions of this Act, shall be false in any material representation, all the officers who have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

False  
certificate,  
notice, or  
report.

231. SEC. 17. Any insurance company organized by virtue of the laws of this State may increase the capital stock and number of shares thereof, or either, by causing notice of intention to increase said capital stock and number of shares, or either, to be published in two newspapers published in the county where said company may have its principal place of business, at least once a week, for four consecutive weeks, before action be taken thereon; *provided*, that two thirds of the stock shall vote thereon and in favor of such increase, at a meeting duly called according to the by-laws of the company; and upon the adoption of such increase of capital stock or shares, a certified copy of the resolution adopting such increase shall be deposited in the offices of the County Clerk and the Secretary of State, as directed in section one of this Act.

Increase of  
capital  
stock.

232. SEC. 18. Every such company shall have

Investment  
of funds.

power, either by its Board of Directors or by its Finance or Executive Committee, as the by-laws may direct, to invest its funds in loans upon real estate or personal securities, or by purchases of stocks, bonds, or other securities; *provided*, that no loan shall be made upon the stock of the company as security.

Quorum of  
Directors.

233. SEC. 19. Fire or marine, or fire and marine insurance companies under this Act, may, by their by-laws, determine what number of Directors (not less than five) shall constitute a quorum for the transaction of business.

Signatures  
to policies  
of insurance.

234. SEC. 20. All policies of insurance made by such companies shall be subscribed by the President, or, in case of his death, inability, or absence, by the Vice President or any two of the Directors, and countersigned by the Secretary of the company; and they shall be binding upon the company in like manner as if executed under the corporate seal thereof.

[Section twenty-one was repealed by Act approved March twenty-sixth, eighteen hundred and sixty-eight (p. 330); took effect immediately.]

Existing  
companies  
may adopt  
provisions  
of this Act.

235. SEC. 22. Any fire or marine, or any fire and marine insurance company organized and now existing under the laws of this State, may adopt the provisions of this Act by filing in the office of the Clerk of the county in which the business of the company is carried on, a resolution signed by the President and Secretary of such company, with the corporate seal affixed thereto, referring to this Act by its title and date of its approval, and declaring that such company does thereby adopt the provisions of this Act; and it shall be the duty of the County Clerk, in whose office such resolution may be filed, to forward to the office of the Secretary of State a certified copy of such resolution, and from and after the filing of such resolution in the

office of the County Clerk, such corporation shall, so long as it shall thereafter exist, during the remainder of its corporate term, be vested with all and singular the privileges and powers, and be subject in all respects to the liabilities and penalties of this Act, in like manner and to all intents and purposes as though originally created under the provisions hereof.

236. SEC. 23. Chapter second, sections thirty-three to fifty-three, inclusive, of an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and all Acts amendatory of said Chapter, and an Act entitled an Act to provide for the incorporation of mutual insurance companies, passed April twenty-sixth, eighteen hundred and fifty-one, are hereby repealed in so far as the same are in conflict with the provisions of this Act; *provided*, that no rights accrued or to accrue, or liabilities incurred or to be incurred under said Acts, shall in any way be affected or impaired hereby; and, *provided*, also, that this Act shall not affect such companies as do not elect to reorganize under this Act pursuant to section twenty-three; and such companies shall be subject only to the duties and liabilities imposed by the laws under which they were organized, anything in this Act to the contrary notwithstanding. Corporations formed or existing under or by virtue of this Act shall not, nor shall the members or stockholders thereof, be subject to the conditions and liabilities of an Act entitled an Act concerning corporations, passed April twenty-second, A. D. eighteen hundred and fifty, or any amendment thereto.

Repeal.

Proviso.

## LIFE INSURANCE COMPANIES.

*An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents.*

[Approved April 2, 1866, p. 752.]

[Enacting clause.]

Formation  
of company

237. SECTION 1. Any number of persons, not less than thirteen, may associate and form a mutual insurance company for the purpose of making insurance on the lives or health of individuals, or against accidents to them, and every insurance appertaining thereto, or connected therewith, and to grant, purchase, and dispose of annuities. Insurance on lives, or on health, or against accidents, may in each case respectively include insurance for the whole term of life, or any shorter period.

Words  
construed.

238. SEC. 2. Whenever a publication or notice in a newspaper is provided for in this Act, it shall be deemed to mean a publication or notice in a newspaper issued every day, or six days in the week, or if there be none such, then in one of the most frequent issue in each week in the place where the company's office is located, or if none be published there, then in any such newspaper published in the same or an adjoining county. Whenever such publication or notice is required to be published for a given period of time in days or weeks, it shall be sufficient if published once in each week of such period, rejecting fractions of a week. The word "company," whenever used in this Act, shall be construed to mean a corporation proposed or incorporated under the provisions of this Act. Any act required by this Act to be performed by the President of the company, may be performed by the Vice President, in case of the

When Vice  
President  
may act as  
President.



President's inability to act, or a vacancy in the office, whatever be the cause of such inability or vacancy, whether death, illness, absence, refusal to act, or otherwise.

239. SEC. 3. The persons mentioned in the first sections of this Act shall make, sign, and acknowledge before any officer competent to take the acknowledgment of deeds, a written certificate of incorporation, in which shall be specified the corporate name of the company, and that such company is formed under this Act, referring to it by its title and date, and any Acts supplementary thereto or amendatory thereof, the amount of its capital stock, and the number of shares of which such capital stock shall consist, the term of its existence, which shall not exceed seventy-five years, the number and the names of the Directors who shall manage the concerns of the company for the first year, or until the first annual election, and the name of the city, or town and county, or city and county, in which the officer [office] of the company shall be located. They shall file said certificate in the office of the County Clerk of the county, or city and county, in which the office of the company shall be located, and also a copy thereof, certified by the said County Clerk, under his hand and seal, to be a true copy, in the office of the Secretary of State. Every company organized under this Act shall have power to make insurance upon any or all of the risks, and to do any or all of the business mentioned in section one, and to make reinsurance of any risks taken by them respectively. A copy of said certificate of incorporation, certified by the said County Clerk, under his hand and seal, to be a true copy, shall be, prima facie, equal in all cases as proof to the original, if produced.

Certificate  
of incor-  
poration.

To be  
filed with  
County  
Clerk.

Certified  
copy.

Incorporation.

240. SEC. 4. Upon the filing of said certificate, and of a certified copy thereof, as in section three provided, the persons who shall have signed and acknowledged such certificate, and their successors, shall be a corporation under the laws of this State, by the name specified in the certificate.

Board of Directors.

241. SEC. 5. The concerns of every such company shall be managed by a Board of Directors, not less than nine, who shall be stockholders of the company in such number of shares as shall be provided by the by-laws of the company. The majority of them shall be citizens of this State. Their term of office may be one, two, or three years, as shall be provided by the by-laws of the company. After the expiration of the term of office of the Directors named in the certificate of incorporation, they shall be elected each year at the annual meeting. If their term shall be more than one year, the Directors chosen at the first annual meeting shall classify themselves by lot, so that one half of them shall go out of office at the end of the first year, if the term be two years, or so that one third of them shall go out of office at the end of the first year, and one third at the end of the second year, if their term be three years. The annual meeting shall be at such time and place in the town or city where the company's office is located as shall be directed by the by-laws of the company. Notice of such meeting, time, and place, shall be published in a newspaper at least four weeks previous thereto. The election shall be by such stockholders as shall attend in person or by proxy, and each stockholder shall have one vote for each share of stock owned by him; *provided*, that after the filing of the declaration of the company's fixed capital, in section nine of this Act provided, the holders of policies of life insurance for the term of life, on which the premiums shall not be

Annual meeting and election.

in default, may also vote at the election of Directors, and shall have one vote for each one thousand dollars insured by their policies, respectively. The election shall be by ballot, and the persons receiving the highest number of votes cast shall be the Directors for the ensuing term, and until their successors shall be elected. The number of Directors specified in the certificate of incorporation may be altered from time to time during the existence of the company, by resolution, at the annual meeting, of a majority of those present in person entitled to vote at the election of Directors, but the number shall never be reduced below nine.

242. SEC. 6. There shall be a President and a Vice President of the company, who shall be elected by the Directors from their own number, at their first meeting after the incorporation of the company, and thereafter at their first meeting after each annual election. They shall hold office during the pleasure of the Board of Directors, and until their successors are elected and enter upon their duties. Such other officers may be elected or appointed as the by-laws shall provide. The compensation of all officers shall be regulated by the by-laws.

Officers  
enumerated.

243. SEC. 7. The by-laws of the company shall be made by the Board of Directors, and may from time to time be altered or amended by them, or at any annual meeting, upon a notice of at least four weeks, published in a newspaper, specifying the substance of the proposed alteration or amendment, by a majority of those present in person or by proxy entitled to vote at the election of Directors. Besides the usual rules and regulations for the transaction and management of the business of life insurance and annuities as in section one mentioned, the by-laws may provide in any manner not inconsistent with this Act, as follows:

By-laws.

First—For the time, place, and mode of holding the

Meetings  
and  
election.

annual meetings and the election of Directors, and also of any special meetings in the town or city where the office of the company shall be located, by whom such meetings shall be called, and all other regulations connected therewith.

Quorum  
and  
vacancies.

Second—For the number of Directors who shall constitute a quorum, which shall not be less than five in a Board of nine, or than seven in a larger number, for filling vacancies in the Board, and for removing any member thereof, or declaring his office vacant.

Powers and  
duties of  
officers.

Third—For designating the officers of the company, their duties, powers, qualifications, the time and mode of their election or appointment, the mode of their removal, their tenure of office, their compensation, and all other matters respecting them.

Holding  
and  
disposition  
of stock.

Fourth—For regulating the holding and disposition of the stock of the company, and the person holding the same, and the amount which may be held by any one person, or in any manner otherwise providing for the solvency of the stockholders and for the better security of those dealing with the company.

Capital  
stock.

244. SEC. 8. Every company, formed under this Act, shall have a capital stock of not less than one hundred thousand dollars. It shall not make any insurance upon any risk, or transact any other business in section one mentioned, until its capital stock shall have been fully paid up in cash, and until it shall have also obtained a Fund, to be known as a Guarantee Fund, of not less than two hundred and fifty thousand dollars, as is hereinafter provided. The Board of Directors of the company, or a committee of the Directors, appointed by the Board, shall, without delay, after organizing, proceed to obtain the subscriptions required to complete the capital stock of the company, and shall open books therefor, giving public notice thereof, if deemed necessary by them,

Guarantee  
Fund.

Subscrip-  
tions.

in some newspaper. Such books shall be kept open until the amount of the capital stock shall have been subscribed. If more than the requisite amount is subscribed, the stock shall be distributed pro rata among the subscribers. Any subscription may be rejected by the Board of Directors, or the committee thereof, either as to the whole or any part thereof, and shall be, so far as rejected, without effect.

245. SEC. 9. The Guarantee Fund, mentioned in section eight, shall consist of the promissory notes of solvent parties, approved of by the Board of Directors, and by each other. Such notes shall be payable to the company or its order, and at such time or times, in such modes, and such sums, with or without interest, and shall be in all other respects as the Board of Directors shall prescribe; but the amount of the note or notes, given by any one person, shall not exceed in the whole the sum of five thousand dollars, exclusive of interest. Such notes shall be payable absolutely and at all events at the company's option, shall be negotiable, and may be indorsed and transferred, or converted into cash, or otherwise dealt with by the company at its discretion, without reference to any contingency of losses, expenses, or otherwise. Such notes or the proceeds thereof, shall remain with the company, as a fund for the better security of its dealers, and shall be assets of the company, liable for all its debts, obligations, and indebtedness next after its assets from premiums and other sources, exclusive of capital stock, until the net earnings of the company, over and above its expenses, losses, and liabilities, shall have accumulated in cash, or securities in which the net earnings have been invested, to a sum which, with the capital stock, shall be equal to the aggregate of the original amounts of the Guarantee Fund and of the capital stock; and thereupon the said sum, with

Of what  
Guarantee  
Fund shall  
consist.

Deficiency  
in fixed  
capital.

the capital stock, shall become and remain the fixed capital of the company, not subject to division among the stockholders or parties dealing with the company, or to be expended in any manner otherwise, except when required in payment of the company's debts and actual expenses, until the business of the company shall have been closed, its debts paid, and its outstanding policies and obligations of every kind canceled or provided for; and if, from any cause, a deficiency shall at any time occur in such fixed capital, no further division of profits shall take place until such deficiency shall have been made up.

Declara-  
tion of fixed  
capital.

246. SEC. 10. Whenever the fixed capital of the company shall have been obtained as aforesaid, the President of the company and its Actuary, or its Secretary, if there be no Actuary, shall, without delay, make a declaration in writing, duly sworn to before some Notary Public, of the amount of such fixed capital, and of the particular kinds of property composing the same, with the nature and amount of each kind. Such declaration shall be filed with the original certificate of incorporation, and a copy, certified by the County Clerk to be a true copy, shall be published for at least four weeks in a newspaper. Upon the filing of such declaration, the Guarantee Fund shall be deemed to be discharged of its obligations, and all notes of the Fund remaining in the company's control, and not affected by any lien thereon, or claim in that nature, shall be surrendered by it to the makers thereof respectively, or other parties entitled to receive the same. Until such time no guarantee note shall be withdrawn from the Fund, unless another note of equal solvency shall be substituted therefor, and unless with the unanimous approval of the Board of Directors then in office, and of all the other parties liable on the rest of the notes comprising the Guarantee Fund. The company shall allow a commission of

Guarantee  
notes and  
interest.

five per cent per annum on all such guarantee notes while outstanding, and also interest on all moneys paid on such notes by the parties liable thereon at the rate of twelve per cent per annum, payable half yearly, until repaid by the company. But such rate of interest may, from time to time, at intervals of not less than one year, be increased or reduced by the Board of Directors, so as to conform to the then current rates of interest.

247. SEC. 11. It shall be lawful for the company to invest its capital in funds, as follows:

How  
capital  
may be  
invested.

First—In loans upon unincumbered and improved real estate within the State of California, which shall be worth, at the time of the investment, fifty per cent more than the sum loaned.

Second—In the purchase of, or loans upon, interest-bearing stocks, bonds, and other securities of the United States, and of the State thereof.

Third—In the purchase of, or loans upon, interest-bearing bonds of any incorporated city, or city and county, in the State of California.

Fourth—In the purchase of, or loans upon, any stocks of companies formed under the laws of this State, which shall have, at the time of such investment, a value in the City and County of San Francisco of not less than sixty per cent of their par value, and which shall be rated as first-class securities.

But no loans shall be made on any securities specified in subdivisions three and four in any amount beyond seventy-five per cent of their market value, except mining stocks. (Amendment approved March 30th, 1868, p. 661; took effect from passage.)

248. SEC. 12. No company formed under this Act shall purchase, hold, or convey real estate, except for the purposes, and as herein set forth, to wit:

Purchase  
and con-  
veyance of  
real estate.

First—Such as shall be requisite for its accommodation in the convenient transaction of its business.

Second—Such as shall have been conveyed to it, or to any person for it, by way of mortgage or in trust, or in any manner otherwise, to secure or provide for the payment of loans previously contracted, or for moneys due.

Third—Such as shall have been purchased at sales upon deeds of trust, or judgments, decrees, or mortgages obtained or made for such loans or debts.

Fourth—Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Sale of  
real estate.

All such real estate as may be acquired as aforesaid, and which shall not be requisite for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same, and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Controller of State that the interest of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the Controller shall direct in said certificate.

[The duties of Controller of State herein have been imposed upon the Insurance Commissioner, by Act approved March twenty-sixth, eighteen hundred and sixty-eight, p. 341.]

See Political Code, "INSURANCE COMMISSIONER."

Dividends.

249. SEC. 13. The dividends payable to the stockholders of the company shall be deducted before any net earnings shall be deemed to have accrued. Such dividends shall consist of the interest or moneys earned by the investment or other use of the capital stock.



No dividends shall be made by the company while its capital stock is impaired, or when the making of such dividends would have the effect of impairing its capital; and any dividend so made shall subject the Directors voting for, and the stockholders having notice and receiving the same, to a joint and several liability to the creditors of such company to the extent of such dividend.

[Section fourteen, as to annual statement of President and Secretary, was repealed by Act approved March twenty-sixth, eighteen hundred and sixty-eight (p. 330); took effect immediately.]

250. SEC. 15. Upon the expiration of the period of existence specified in the certificate provided for in section three, the company may extend its term of existence for another period of not more than seventy-five years, if the same shall be desired by a majority of the stockholders and others qualified to vote for Directors, and approved of by the Board of Directors in office for the last year of such unexpired term. Such desire of the stockholders and others qualified to vote for Directors of the company may be declared, either by a vote in favor of such extension, at a meeting of them called specially for the purpose by the President or any five stockholders of the company, at the office of the company, upon a notice published in some newspaper, or by a statement in writing, declaring themselves in favor of such extension, signed by such majority of the stockholders and others qualified to vote for Directors, or their attorneys in fact, duly authorized. Such resolution or statement shall be submitted to the Board of Directors, and if approved by them, they or a majority of them, shall sign a certificate in writing, declaring the desire of the company for a renewal for such further period, not exceeding

Company  
may  
extend  
its term of  
existence.

Same.

seventy-five years. Such certificate shall be duly acknowledged before some officer competent to take acknowledgment of deeds, and the original, and a copy thereof, shall be filed before the expiration of the current term of the company's existence, in the same manner as is provided in section three with respect to the original certificate of incorporation. Thereupon the company shall be deemed, from and after the expiration of its current term of existence named in the certificate of incorporation, to have renewed its term of existence for the period mentioned in said certificate of renewal, in all respects as though its previous term of existence had not expired. Other renewals may be made from time to time thereafter, in the like manner and with the like force and effect; but no renewal shall ever be made for a period exceeding seventy-five years.

Premiums.

251. SEC. 16. All premiums shall be payable wholly in cash, or one half or a greater proportion in cash, and the remainder in promissory notes, bearing interest as may be provided by the by-laws. Agreements and policies of insurance made by the company, may be upon the basis of full or partial participation in the profits, or without any participation therein, as may be provided by the by-laws and agreed between the parties.

Stock-  
holders  
liable.

252. SEC. 17. Each stockholder of the company shall be individually and personally liable for such proportion of all its debts and liabilities as the amount of its capital stock owned by him bears to the whole of such capital stock.

Married  
woman  
may insure  
the life  
of her  
husband.

253. SEC. 18. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her

husband, for ~~any~~ definite period, or for the term of his Same.  
natural life; and in the event of her surviving her  
husband, the sum or net amount of the insurance,  
becoming due and payable by the terms of the insur-  
ance, shall be payable to her, and for her own use,  
free from the claims of the representatives of the hus-  
band or of any of his creditors, or of any parties  
claiming by, through, or under him. But when the  
premium or any part thereof, paid in each year out of  
the funds or property of the husband, shall exceed  
five hundred dollars, such exemption from such claims  
shall not apply to so much of said insurance as shall  
be in proportion to said excess over five hundred dol-  
lars. In case of the death of the wife before the  
decease of her husband, the amount of insurance may  
be made payable after her death to her children, for  
their use, or if under age, to their guardian.

254. SEC. 19. So much of an Act entitled an Act Repeal.  
to provide for the incorporation of mutual insurance  
companies, passed April twenty-sixth, one thousand  
eight hundred and fifty-one, and any Act amendatory  
thereof or supplementary thereto, as relates to insur-  
ance upon lives, is hereby repealed; but this repeal shall  
not affect the validity of any incorporation formed, or  
contract made, or rights existing under said Act or  
Acts, and the same shall be and remain, in all re-  
spects, as though this Act had not been passed. An  
Act entitled an Act in respect to insurance for lives  
for the benefit of married women, passed May eleventh,  
one thousand eight hundred and fifty-four, is also  
repealed. All Acts and parts of Acts, so far as they  
affect incorporations formed under this Act, are hereby  
repealed.

SEC. 20. This Act shall take effect immediately.

*An Act to provide for the official valuation of life insurance policies.*

[Approved April 4, 1870, p. 859.]

[Enacting clause.]

Valuation  
of policies.

Actuary  
to be  
employed.

When  
valuation  
not  
accepted  
in other  
States.

255. SECTION 1. Every life insurance company organized under the laws of this State, shall, on or before the first Monday in January, in each year, furnish the Insurance Commissioner the data necessary for determining the valuation of all its policies outstanding on the thirty-first day of December next preceding, which said valuation shall be based upon the rate of mortality as established by the American Experience Life Table; the rate of interest to be assumed shall be four and one half per centum per annum. For the purpose of making such valuation, the Insurance Commissioner of this State is authorized to employ a competent actuary, whose compensation for such valuation shall be three cents for each thousand dollars of insurance, to be paid by the respective companies for which the valuation is made.

256. SEC. 2. When the certificate of the Insurance Commissioner, of the official valuation of the policies, as provided in section one of this Act, issued to any company organized under the laws of this State, shall not be accepted by any other State in lieu of a valuation of the same by the insurance officer of such other State, then all companies organized under the laws of such other State, doing business in this State, shall be required to have a separate valuation made under the authority of the Insurance Commissioner of this State, as in this Act provided.

SEC. 3. This Act shall take effect immediately.

*An Act to exempt from stamp duty certain contracts of insurance.*

[Approved March 8, 1866, p. 171.]

[Enacting clause.]

257. SECTION 1. No stamp shall be required, nor stamp duty exacted, on any contract of insurance, when limited to accident resulting in injury or death. Stamps not required.

SEC. 2 This Act shall take effect from and after its passage.

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ARTICLE IV.

RAILROAD COMPANIES.

SECTION 258. Formation of corporation; conditions.

259. Articles of association.

260. Articles to be filed with Secretary of State; certified copies evidence.

261. Duty of Directors; election and bonds of officers; subscription books.

262. Meeting of stockholders; election of Directors; term of office, etc.

263. Meetings of stockholders.

264. Removal of officers.

265. Delay in election of Directors; Vice President; compensation; bonds; vacancies.

266. Power of Directors.

267. Record of debts.

268. Record of proceedings; duties of Secretary.

269. Stock deemed personal estate; transfer of; liability of stockholders.

270. Assessments; form of notice; collection on default of payment.

271. Certificates of stock.

272. Company may borrow money and issue bonds; limitation of amount.

273. Certificate of capital paid in.

274. Powers and rights of company.

275. May change line of road.

276. Crossing railroads or highways; power to take lands.

277. Right of way; depots; conveyance of land, etc.

278. Cities may make grants.

279. Surveys; general rights and powers.

**SECTION 280. Property of minors, idiots, etc.; approval of sale by Probate Judge.**

- 281. Proceedings to acquire real estate; petition.
- 282. Rights of defendants.
- 283. Hearing of petition.
- 284. Notice to owners; publication of notice.
- 285. Defendants may appear; appointment of Commissioners; vacancy.
- 286. Meeting of Commissioners; powers and duties of.
- 287. Assessment of damages by and report of Commissioners; adverse claims.
- 288. New trials.
- 289. Confirmation of reports.
- 290. Records of reports; costs.
- 291. Defective titles.
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- 294. Court to order payment.
- 295. Definition of "person."
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- 298. Regulation of trains; penalty.
- 299. Checks; damages for loss of baggage.
- 300. Map and profile to be filed.
- 301. Annual report; form of.
- 302. Duties of company.
- 303. Damages for refusal to carry passengers.
- 304. Arrangement of trains; penalty for violation.
- 305. Liability of company for injury caused by wrongful arrangement.
- 306. Conductor may eject passengers.
- 307. Officers to wear badges.
- 308. Rate of charges.
- 309. Penalty for intoxication of employé.
- 310. Injuries to works of company.
- 311. Forfeiture of charter for non-construction of road.
- 312. False notice or report.
- 313. Payment of dividends when insolvent liability of Directors.
- 314. Kind of rails to be used.
- 315. Street railroads.
- 316. Repeal of prior Acts.
- 317. Crossings and intersections.
- 318. Not to use streets except by a two thirds vote of Supervisors.

STREET RAILROADS.

SECTION 319. Penalty for overcharges and failure to furnish tickets.

320. Collection of penalties.

321. Trial.

322. Evidence.

323. Commencement of suit.

324. Duty of conductors.

325. Repeal of conflicting provisions of prior Acts.

326. Stockton and Copperopolis Railroad; special provisions.

327. Reference to local and special Acts.

RAILROAD COMPANIES.

[The earliest Act on the subject of the incorporation of railroad companies consisted of "Chapter III, Railroad Companies," of "An Act concerning corporations," passed April 22d, 1850, p. 347.

The above mentioned Act was repealed by "An Act to provide for the incorporation of railroad companies," passed April 28th, 1851, p. 433, to which there was a supplemental Act, approved March 22d, 1852, p. 172.

The last mentioned Acts were repealed by "An Act to provide for the incorporation of railroad companies," approved April 22d, 1853, p. 99, to which there were amendatory or supplemental Acts of the following dates: May 15th, 1854, p. 170; April 10th, 1855, p. 100; April 14th, 1856, p. 89; April 11th, 1857, p. 197; April 26th, 1858, p. 317; April 26th, 1858, p. 326.

All these Acts were repealed by Sec. 59 of the following Act:]

*An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto.*

[Approved May 20, 1861, p. 607.]

[Enacting clause.]

258. SECTION 1.\* Any number of persons, not less than ten, either in this State or through any portion of

Formation  
of corpora-  
tions.

the Territories of the United States, contiguous to this State, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning, and maintaining such railroad, by complying with the following requirements: Whenever stock to the amount of at least one thousand dollars for each and every mile of the proposed railroad shall have been so subscribed, and ten per cent in cash, of the amount so required to be subscribed, shall be actually and in good faith paid to a Treasurer, to be named and appointed by said subscribers from among their number, then the said subscribers, either in person or by written proxy, after having received at least five days' notice from said Treasurer of a meeting of said subscribers for that purpose, may adopt articles of association, and may elect, from among the subscribers to said articles, not less than five nor more than thirteen Directors.

\*Applicable to street railroads.

Articles of  
association

259. SEC. 2.\* The said articles of association shall set forth the name of the incorporation, the number of years the same is to continue in existence, which shall not exceed fifty years, the amount of the capital stock of the company, which shall be divided into shares of one hundred dollars each, and which shall be the actual contemplated cost of constructing the road, together with the cost of the right of way, motive power, and every other appurtenance and thing, for the completion and running of said road, as nearly as can be estimated by competent engineers, the names and number of the Directors to manage the affairs of the company, who shall hold their office until others are elected, as shall be provided by the by-laws of the company; the place from and to which the proposed road is to be constructed, and the counties into and through which it is intended to pass, and its length, as near as may be. Each subscriber to such articles of



association shall personally subscribe thereto his name, Same.  
 place of residence, and the number of shares of stock  
 taken by him in such company; *provided*, that in case  
 a person desirous of becoming a subscriber, but com-  
 pelled to be absent from the State at the time of sub-  
 scribing to such articles of association, he having duly  
 paid the ten per cent required by law upon his sub-  
 scription, may sign the same by written proxy, or  
 power of attorney, to that effect; and there shall be  
 indorsed, or attached, to the said articles so subscribed,  
 an affidavit, made by any three of the Directors named  
 therein, setting forth in substance that said amount of  
 stock has been subscribed, and that ten per cent in  
 cash thereon, has actually and in good faith been paid  
 in as aforesaid, and that the subscribers to said articles  
 are all known by one or the other of the said three  
 Directors, to be subscribers thereto, and to be the  
 persons so represented.

\* Applicable to street railroads.

260. SEC. 3.\* Articles of association formed in Articles to  
be filed  
with  
Secretary  
of State.  
 pursuance of the provisions of the foregoing sections,  
 shall be filed in the office of the Secretary of State,  
 and thereupon the persons who have or may subscribe  
 the same, and all persons who may from time to time  
 become stockholders in such company, shall be a body  
 politic and corporate, by the name stated in such arti-  
 cles of association, and shall be capable in law to make  
 all contracts, acquire real and personal property, pur-  
 chase, hold, convey any and all real and personal prop-  
 erty whatever necessary for the construction, comple-  
 tion, and maintenance of such railroad, and for the  
 erection of all necessary buildings and yards, or places  
 and appurtenances for the use of the same, and be  
 capable of suing and being sued, and have a common  
 corporate seal, and make and alter the same at pleas-

Certified  
copies  
evidence.

ure, and generally to possess all the powers and privileges for the purpose of carrying on the business of the corporation that private individuals and natural persons now enjoy. A copy of any articles of association filed in pursuance of this Act, and certified to be a copy by the Secretary of State or his deputy, shall in all Courts and places, be presumptive evidence of the incorporation of such company, and of the facts stated therein; and such a copy, so certified, shall be kept in the office of the Secretary of the corporation, subject to examination during office hours by any person.

\*Applicable to street railroads.

Duty of  
Directors.

Election  
and bonds  
of officers.

Subscription  
books.

261. SEC. 4.\* The Directors named in the articles of association shall meet and organize as a Board immediately after their election, or within five days after, having received notice of such election given by the Treasurer, named and designated in the first section of this Act; and at the first meeting of the Board, after each annual election of Directors, they shall elect from among their number a President and a Treasurer; they shall also elect a Secretary, who, and their successors in office, shall be officers of the company, and shall hold their respective offices until their successors have been duly elected and qualified. The Secretary and the Treasurer, before they enter upon the discharge of their duties, shall each give a bond with sufficient surety for the faithful performance of their respective duties, to be approved by the Board of Directors. The temporary Treasurer, required by the first section of this Act, shall pay over all moneys received by him as such Treasurer, to the Treasurer elected by the Board of Directors, so soon as the latter has been qualified. The said Board of Directors, and every succeeding Board, when deemed necessary, shall open books of subscription to the capital stock of the company at such times and in such places, upon such terms, and

authorize such persons to receive and superintend the taking of such subscriptions as they may direct, due notice of which shall be given; but no subscription of stock, except the original subscription, shall be binding on the company or parties so subscribing, until the same shall have been accepted and approved by a resolution of the Board. In case a greater amount of acceptable stock shall be subscribed than the whole capital required by such company, the Board of Directors shall distribute such capital stock so subscribed as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one subscriber than by him subscribed for.

\*Applicable to street railroads.

262. SEC. 5.\* There shall be, after the first election of Directors, as prescribed in the first section of this Act, annual meetings of the stockholders, held at the principal place of business of said company, for the election of Directors, to serve for the ensuing year, notice of which, appointing a time, shall be given for the first annual election, and every subsequent election thereafter, as prescribed by the by-laws of the company, or by a resolution of the Board of Directors, which notice shall be published not less than twenty days previous thereto, in a newspaper published in each county through or into which such road shall pass or be intended to run (if there be stockholders residing therein), in which a newspaper shall be published; and if no paper is published therein, then by six written or printed notices, put up in the most public places in said county. Directors shall be elected from time to time, as a majority of the whole stock shall determine, or as the by-laws shall designate, as may be determined in the formation of articles of association, in pursuance of the provisions of the first

Meeting of  
stock-  
holders.

Election of  
Directors.

Term of  
office, etc.

and second sections of this Act, shall be chosen at such meeting of stockholders, by ballot and by a majority of the votes of the stockholders, being present in person or by written proxy; and every such stockholder being so present, either in person or by proxy, at any election for Directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding said election; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for ten days. No person shall be a Director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he may be chosen. The Directors shall hold their office for one year; and until others are elected in their places. At least a majority of the Directors shall, at the time of their election, be residents of the State. (Amendment approved April 1st, 1870, p. 577.)

Meetings  
of stock-  
holders.

\* Applicable to street railroads.

263. SEC. 6.\* Meetings of stockholders may be called at any time during the interval between the annual meetings by the Directors, or by any number of stockholders owning not less than one third of the stock, by giving thirty days' public notice of the time and place of the meetings, in the manner provided in the next preceding section for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice, and no other business shall be transacted at such meeting, when so called by the stockholders as aforesaid, except such as shall be so stated in such notice; and if, at any such meeting thus called, a majority in value of the stockholders are not represented in person, or by written proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any busi-

ness; and if within said three days stockholders having at least a majority in interest of the stock do not attend and participate in such meeting, then the meeting shall be dissolved. In case the capital stock shall be ascertained to be greater or less than is necessary for completing, operating, and maintaining the road, then the capital stock may be reduced or increased by a vote of the holders of a majority of the capital stock to the amount thus required. (Amendment approved April 27th, 1863, p. 610; took effect from passage.)

• Applicable to street railroads.

264. SEC. 7.\* At all general meetings of the stockholders, two thirds in value of the stockholders of the company being present in person, or by proxy, may remove any President, or any Director of such company, and elect others in their stead; provided, notice of such intended removal shall have been given, as required in the last two preceding sections.

Removal  
of officers.

• Applicable to street railroads.

265. SEC. 8.\* In case it shall happen at any time that an election of Directors shall not be made on the day designated by the by-laws of the company, when it ought to have been made, the company, for that reason, shall not be dissolved, if, within ninety days thereafter, they shall hold an election for Directors in such manner as shall be provided by the by-laws of the company. There shall also be a Vice President of the company, should the Directors deem it necessary, to be chosen from the Board, and also such subordinate officers as the company, by its by-laws, may designate, who need not necessarily be stockholders. The said officers shall be chosen at such times and for such terms, and the Directors may fix the compensation of each, and they shall give such security for the faithful performance of the duties of their respective

Delay in  
election of  
Directors.

Vice  
President.

Compensation,  
etc.

offices as the Directors shall require, or as may be established by the by-laws of the company; and any such officers may be removed from office by the Board of Directors, and the vacancy filled by said Board for the remainder of the term of office; and the Directors of such company shall also have power to fill all vacancies in their own body, and of all officers of the company, occasioned by death, resignation, or any other cause whatever.

\*Applicable to street railroads.

Power of  
Directors.

266. SEC. 9.\* The Directors of any railroad company heretofore incorporated, or which may be incorporated hereafter, from and after its incorporation or organization in pursuance of the provisions of this Act, or of any law now in force in this State, shall, for and on behalf of such company, manage the affairs thereof, make and execute contracts of whatsoever nature or kind, fully and completely to carry out the objects and purposes of such corporation in such way and manner as they may think proper, and exercise generally the corporate powers of such company; and such Directors shall also have full power to make such by-laws as they may think proper, and alter the same, from time to time, for the transfer of the stock and the management of the property and business of the company, of every description whatsoever, within the objects and purposes of such company, and for prescribing the duties of officers, artificers, and employés of said company, and for the appointment of all officers, and all else that by them may be deemed needful and proper within the scope and power of said company; *provided*, that such by-laws shall not be inconsistent or in conflict with the laws of this State, or with the articles of association; *provided*, that such by-laws shall be approved by a majority of the stockholders, and shall not be inconsistent or in conflict with the laws of this State, or with the articles of association. (Amendment ap-

proved April 27th, 1863, p. 610; took effect from passage.)

\*Applicable to street railroads.

267. SEC. 10.\* The Directors shall also cause to be kept a book to be called "Record of Corporation Debts," in which the Secretary shall record all contracts of the Directors, and a succinct statement of the debts of the company, the amount thereof, and with whom made; which book shall at all times be open to the inspection of any stockholder or party in interest. When any contract or debt shall be paid or discharged, the Secretary shall make a memorandum thereof in the margin or in some convenient place in the record where the same is recorded. (Amendment approved March 20th, 1866, p. 310; took effect from passage.)

Record  
of debts.

\* Applicable to street railroads.

268. SEC. 11.\* The Secretary of the corporation who may be elected by the Directors named in the articles of association, and every succeeding Secretary elected during the continuance of said corporation, shall keep, in a book provided for that purpose, a correct record of the proceedings at each meeting of the company, as well as of the Board of Directors; such record showing the name of each Director present at the opening of each meeting of the Board, and at what stage of the proceedings any Director, previously absent, may appear, and also at what stage of the proceedings any Director may obtain leave of absence. The records shall also show the name of each Director voting against any proposition whenever any Director may require the same to be placed upon the record. Prior to the adjournment of each meeting of the company, or of the Board of Directors, the record of the proceedings of such meeting shall be read and approved; and he shall also keep such other books as may be deemed necessary or prescribed by the Directors, in which all the business transactions of the com-

Record of  
proceed-  
ings.  
Duties of  
Secretary.

Same.

pany shall be plainly and accurately kept; he shall keep a book to be labeled "Book of Stockholders," which shall contain the names of all persons, alphabetically arranged, who are or shall have been stockholders of said company, and showing their places of residence, if known, the number of shares of stock held by them respectively, the time when they respectively became the owners of such shares, the amount of cash actually paid to the company by them respectively for their stock, as also the time when they may have ceased to be stockholders, which book, during the office hours of said Secretary, shall be open for the inspection of stockholders and creditors of the company, and their personal representatives, at the office of said Secretary. There shall also be kept by the Secretary a transfer book, in which all transfers of stock shall be duly entered, and no transfer of stock of such company shall be valid for any purpose whatever except as between the parties thereto, until it shall have been entered therein by an entry showing to and by whom transferred, the numbers and designation of the shares, and the date of transfer, and duly attested by said Secretary; and said book shall be presumptive evidence of the facts therein stated.

\*Applicable to street railroads.

Stock  
deemed  
personal  
estate.

Transfer of.

269. SEC. 12.\* The stock of such company shall be deemed personal estate, and shall be transferable in the manner provided by the preceding section, and upon the books of the company, upon proper assignment and delivery to the assignee of the receipts for the installments paid on such stock, or the certificate of stock when fully paid; but no shares shall be transferable until all previous calls or installments thereon shall have been fully paid in, nor shall any transfer of the stock of such company be valid, except as between the parties by whom and to whom the same is trans-



ferred, unless at least twenty per cent has been paid thereon, and certificates issued therefor, until the same is approved by the Board of Directors. Any stockholder transferring his shares of stock in manner aforesaid, and in compliance with the by-laws of the company, and the same being approved by the Board of Directors, as aforesaid, shall, from and after the date of such approval, cease to be a stockholder in such company, and shall not be liable to any future calls from the Directors, nor for any debts that may be contracted by said company thereafter. But this shall not release him from his proportion of debts and liabilities contracted by the company prior to his ceasing to be a stockholder; but each stockholder of such company shall only be individually liable to the creditors of such company for his proportion—that is to say, the proportion that the amount of stock by him held bears to the whole amount of the capital stock of such company, of all the debts and liabilities of the company contracted or incurred during the time that he was a stockholder—for the recovery of which, joint or several actions may be prosecuted by such creditor; but no person holding stock as executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally liable or subject to any debt or liability as a stockholder of the company, but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder, accordingly, and the estate and funds in the hands of the executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the Trust Fund, would have been if he had been living and competent to act and hold the stock in his own name; *provided*, that in no case shall judgment be rendered against an individual stock-

Liability  
of stock-  
holders.

Same.

holder, or his private property be levied upon, for the payment of corporate debts, while corporate property can be found with which to satisfy the same, and in no case only to the amount of such stockholder's proportion of liability, as before provided; but it will be sufficient proof that no corporate property can be found if an execution has issued on a judgment against the corporation, and a demand made thereon of some one of the last acting officers of the corporation, for property on which to levy, and he neglects or refuses to point out any such property, and the stockholders likewise, so neglect or refuse, and the said execution is returned by the officer who holds the same for service to the Court from whom it was issued, indorsed in substance, "that no property belonging to said corporation can be found to levy upon sufficient to satisfy said execution, or any part thereof;" but if any stockholder of such corporation, in any stage of the cause, shall satisfy the Court, by affidavit or otherwise, of such property subject to levy, all proceedings against any individual stockholder shall be stayed until the property of the corporation can be levied upon and sold; the Court may subsequently render judgment and order execution against any or all of the individual stockholders for their proportion—that is to say, in proportion to the amount of stock held by each for any balance of the debts and liabilities of such corporation which may be found due after exhausting the corporate property of such corporation, as before provided; when the private property of a stockholder is taken for a corporate debt, or he may otherwise pay or discharge the same, without levy and sale of his property, he may maintain an action against the corporation for indemnity, and against any of the stockholders for contribution. (Amendment approved April 27th, 1863, p. 610; took effect from passage.)

• Applicable to street railroads.

270. SEC. 13.\* It shall be lawful for the Directors of such company to call in and demand from the stockholders the sums by them subscribed, in equal installments, of not more than ten per cent per month, unless otherwise stipulated in the articles of subscription, at such times as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week, for at least four weeks, in a newspaper published at the place designated as the principal place of business of the corporation, or if none is published there, in some newspaper nearest to such place, which notice shall be substantially in the following form:

Assessments.

Notice is hereby given that an assessment of ——— dollars per share on the stock of ——— Company is due and payable at the office of the company, in ——— (and at such other places as the Directors may designate, naming them), within thirty days from date. All shareholders are requested to make payment on or before that time, or such assessments will be promptly collected in the manner prescribed by law.

Form of notice.

———, Secretary.

If, after such notice shall have been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, the same may be collected by suit in any Court of competent jurisdiction, in the name of the company, or so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; *provided*, that no sale shall be made, except at public auction, to the highest bidder; and at such sale the person who will agree to pay the assessment so due, together with the expenses of advertisement and the other expenses of sale, for the smallest number of whole

Collection on default of payment.

shares, shall be deemed to be the highest bidder. All stockholders shall be liable to such sale, and to recovery by suit at law as aforesaid, for installments due or required to be paid by such Directors, as prescribed by this Act. Any railroad corporation, organized under the Act to which this is amendatory, shall have the right to lease the whole or any portion of their road to any other corporation organized under this Act, or to grant to any such corporation the right to use in common any portion of their road. (Amendment approved April 27th, 1863, p. 610; took effect from passage.)

\* Applicable to street railroads.

Certificates  
of stock.

271. SEC. 14. Certificates of stock shall be issued, signed by the President and Secretary, in such manner as may be prescribed by the by-laws of the company, for all stock fully paid up, from time to time, in compliance with the requirements of such Directors, or that may be fully paid in advance of such requirements by the voluntary act of any stockholder of such company.

Company  
may  
borrow  
money and  
issue bonds

272. SEC. 15.\* Such company shall have power to borrow, from time to time, on the credit of the corporation, and under such regulations and restrictions as the Directors thereof by unanimous concurrence may impose, such sums of money as they may deem necessary for constructing and completing their railroad, and to issue and dispose of bonds or promissory notes therefor, in denominations of not less than five hundred dollars, and at a rate of interest not exceeding ten per cent per annum; and also to issue bonds or promissory notes, of the denomination aforesaid, and at the rate of interest aforesaid, in payment of any debts or contracts for constructing and completing their road, with its equipments and all else relative thereto; *provided, however,* that the amount of bonds

or promissory notes, issued by such companies for the purposes aforesaid, shall not exceed, in all, the amount of their capital stock; and to secure the payment of said bonds or notes, may mortgage their corporate property and franchise. And the Directors of such companies shall also provide, in such manner as to them may seem best, a Sinking Fund, to be specially applied to the redemption of such bonds, on or before their maturity, and may also confer on any holder of any bond or note so issued for money borrowed, or in payment of any debt or contract for the construction and equipment of such road as aforesaid, the right to convert the principal due or owing thereon, into stock of such companies, at any time within eight years from the date of such bonds, under such regulations as the Directors may adopt. (Amendment approved May 14th, 1862, p. 547; took effect from passage.)

Limitation  
of amount.

• Applicable to street railroads.

273. SEC. 16.\* The President and Secretary, and a majority of the Directors, within thirty days after the payment of the last installment of the capital stock, so fixed and limited by the company, shall make a certificate stating the amount of capital so fixed and paid in, which certificate shall be signed by the President and Secretary, and a majority of the Directors, and sworn to by such President and Secretary, and they shall, within the said thirty days, file the same in the office of the Secretary of State.

Certificate  
of capital  
paid in.

• Applicable to street railroads.

274. SEC. 17. Every railroad corporation shall have power:

Powers  
and rights  
of com-  
pany.

First—To cause such examination and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and, for such purposes, by their officers, agents, and employes, to enter upon the lands, or

Same.

waters, of any person, but subject to responsibility for all damages which they shall do thereto.

Second \*—To receive, hold, take, and convey, by deed or otherwise, the same as a natural person might or could do, such voluntary grants and donations of real estate, and other property of every description, as shall be made to it, to aid and encourage the construction, maintenance, and accommodation of such railroad.

\* Applicable to street railroads.

Third \*—To purchase, and, by voluntary grants and donations, receive and take, and, by its officers, engineers, surveyors, and agents, enter upon and take possession of, and hold and use, in any manner they may deem proper, all such lands, and real estate, and other property, as the Directors may deem necessary and proper for the construction and maintenance of such railroad, and for the stations, depots, and other accommodations and purposes, deemed necessary to accomplish the objects for which the corporation is created.

\* Applicable to street railroads.

Fourth \*—To lay out its road, or roads, not exceeding nine rods wide, and to construct and maintain the same, with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, and for the purpose of making embankments, excavations, ditches, drains, culverts, or otherwise, and procuring timber, stone, and gravel, or other materials, may take as much more land, whenever they may think proper, as may be necessary for the purposes aforesaid, in the manner hereinafter provided, for the proper construction and security of the road.

\* Applicable to street railroads.

Fifth \*—To construct their road across, along, or upon any stream of water, watercourse, roadstead,

bay, navigable stream, street, avenue, or highway, or Same.  
across any railway, canal, ditch, or flume, which the route of its road shall intersect, cross, or run along, in such manner as to afford security for life and property; but the corporation shall restore the stream, or watercourse, road, street, avenue, highway, railroad, canal, ditch, or flume, thus intersected, to its former state, as near as may be, or in a sufficient manner, not to have unnecessarily impaired its usefulness, or injured its franchises.

• Applicable to street railroads.

Sixth—To cross, intersect, join, and unite its railroad with any other railroad, either before or after constructed, at any point upon its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings, and switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is, or shall be hereafter, intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connection, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points, or the manner of such crossings, intersections, and connections, the same shall be ascertained and determined by Commissioners, to be appointed as is provided hereinafter in respect to the taking of lands; but this section is not to affect the rights and franchises heretofore granted.

Seventh—To purchase lands, timber, stone, gravel, or other materials, to be used in the construction and maintenance of its road, or take them in the manner provided by this Act; may change the line of its road, in whole or in part, whenever a majority of the Directors shall so determine, as is provided hereinafter; but no such change shall vary the general route of

Same.

such road, as contemplated in the article of association of such company.

Eighth—To receive, by purchase, donation, or otherwise, any lands or other property of any description, and to hold and convey the same in any manner the Directors may think proper, the same as natural persons might or could do, that may be necessary for the construction and maintenance of its road, or for the erection of depots, turnouts, workshops, warehouses, or for any other purposes necessary for the convenience of such companies, in order to transact the business usual for such railroad companies.

Ninth—To take, transport, carry, and convey persons and property, on their railroad, by the force and power of steam, of animals, or any mechanical power, or by any combination of them, and receive tolls or compensation therefor.

Tenth\*—To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery, for the accommodation and use of their passengers, freight, and business, and obtain and hold the lands and other property necessary therefor.

\* Applicable to street railroads.

Eleventh—To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor, within the limits prescribed by law.

Twelfth—To regulate the force and speed of their locomotives, cars, trains, or other machinery, used and employed on their road, and to establish, execute, and enforce, all needful and proper rules and regulations, fully and completely, for the management of its business transactions, usual and proper for railroad companies.

Thirteenth\*—To possess and be subject to all of the provisions of Chapter I of an Act entitled an Act concerning corporations, passed April twenty-second, A. D.



eighteen hundred and fifty, so far as such provisions are not in conflict or inconsistent with the provisions of this Act.

• Applicable to street railroads.

275. SEC. 18. If, at any time after the location of the line of such railroad, in whole or in part, and the filing of the map thereof, as provided by this Act, it shall appear to the Directors of such company that the same may be improved, such Directors may, from time to time, alter or change the line in any manner they may think proper, and cause a new map to be filed in the office where the map showing the first location is filed, and may thereupon take possession of the land embraced in such new location, that may be required for the construction and maintenance of such road on such new line, either by agreement with the owner or owners of such land, or by such proceedings as are authorized under the provisions of this Act, and use and enjoy the same in place of the line for which the new is substituted; but nothing in this Act shall be so construed as to confer any powers on such companies to so change their road as to avoid any point named in their articles of association, except as provided in section seventeen, subdivision seven, of this Act.

May  
change  
line of road

276. SEC. 19. Whenever the track of such railroad shall cross a railroad or highway, such railroad or highway may be carried under, over, or on a level with the track, as may be most expedient; and in cases where an embankment or cutting shall make a change in the line of such railroad or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands and materials, if needed, for the construction of such road or highway on such new line as may be deemed requisite by said

Crossing  
railroads or  
highways.

Power to  
take lands.

Directors. Unless the lands and materials so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this Act provided, as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands; and the same, when so taken and compensation made, to become part of such intersecting road or highway in such manner and by such terms as the adjacent parts of such highway may be held for highway purposes.

Right of  
way.

277. SEC. 20. The right of way is hereby given and granted to all railroad companies that are now organized or may be organized under the provisions of this Act, to locate, construct, and maintain their roads, or any part or parcel thereof, over and through any of the swamp or overflowed lands belonging to this State, or any other public lands which are now or may be the property of this State at the time of constructing said railroad; and the said railroad companies are hereby authorized to survey and mark through the said lands of the State, to be held by them for the track of their respective railroads, one hundred feet in width for the whole length the said roads may be located over the lands of the State; and in cases where deep excavations or heavy embankments, or other cuttings or structures whatever, or ditches, drains, canals, culverts, or other structure to protect the road-bed and to facilitate the use and enjoyment of the same, is or may be required for the grade or other uses of said roads, then at such places a greater width may be taken by such company, and which is hereby given, not exceeding two hundred feet wide. And the right is hereby further given and granted to said companies to locate, occupy, and hold all necessary sites and grounds for watering places, depots, or other buildings for the convenient use of the same along the line of the said road

Depots.

for roads, so far as the places convenient for the same may fall upon the lands belonging to the State, except within the limits of any incorporated city or town, or within three miles thereof where the same shall be taken, on paying to the State the value of the same; and, *provided*, that no one depot, watering place, machine or workshop, or other buildings for the convenient use of such roads shall cover over two square acres each, and that said sites or places on the lands of this State shall not be nearer to each other than five miles along the lines of said roads; the right is hereby further given and granted to said companies to take from any of the lands belonging to this State all such materials of earth, wood, stone, or other materials whatever as may be necessary or convenient from time to time for the first construction or equipment of said road or roads, or any part thereof; *provided*, that the grants herein made, as well of the use of the land of this State as for the materials for the construction and equipment of said road or roads, shall cease and determine as respects each particular road which shall not have been begun and completed within the times limited in section thirty-nine of this Act; and, *provided further*, that if any road, at any time after its location, shall be discontinued or abandoned by said company or companies, or the location of any part thereof be so changed as not to cover the lands of the State thus previously occupied, then the lands so abandoned or left shall revert to this State; and, *provided further*, that when the location of the route of either of said railroads, or sites, or places for depots, watering places, machine or workshops, or other buildings for the convenient use of the same, shall be selected, the Secretary of the said company shall transmit to the Surveyor General, and to the Controller of this State, and to the Recorder of the county in which the lands so selected are situated, to each of said officers a correct plat of the location of

Convey-  
ance of  
land, etc.

said railroad, or sites, or places, before such selection shall become operative. And when any such company shall, for its purposes aforesaid, require any of the land belonging to any of the counties, cities, or towns in this State, the county, city, and town officers respectively having charge of such lands, may grant and convey such lands to such company for a compensation which shall be agreed upon between them, or may donate and convey the same without any compensation; and if they shall not agree upon the sale and price, the same may be taken by the company as is provided in other cases of taking lands by the provisions of this Act.

Cities may  
make  
grants.

278. SEC. 21. Any county, city, or town, in this State, shall have, and are hereby fully empowered, by and through a two thirds vote of the Board of Supervisors, the Common Council, or any other officers having a supervisory or other control of such county, city, or towns, respectively, to give, grant, or donate, to any railroad company now organized, or that may be hereafter organized under the laws of this State, the use of any of the streets or highways which may be absolutely necessary in order to enable any such company to reach an accessible point for a depot in any such county, city and county, city or town, or to pass through the same on as direct a route as possible and accommodate the traveling and commercial interests thereof; *provided, however,* the provisions of this section shall not apply to any street railroad now constructed, or hereafter to be constructed, in any of the incorporated cities of this State; nor shall any railroad company, who may avail themselves of the provisions of this section, ever use their road for street railroad purposes, or for the purpose of carrying passengers, for a consideration, from one point to another, in the same city; nor shall any city, or town,

donate any public square, or any land set apart, or public square, to the use of any one company; and, *provided further*, that nothing in this section contained, shall be deemed to apply to the City of Sacramento within the corporate limits thereof.

279. SEC. 22. Any railroad company, organized under the provisions of this Act, or any railroad company, now organized under any law of this State, which shall accept the provisions of this Act, as herein provided, is hereby authorized to enter upon any land for the purpose of surveying the line of its proposed railroad, the company being responsible for any damage occasioned by such entry; and such company is also authorized to acquire, purchase, and hold, any real estate, or any right, title, or interest therein, which may be necessary or proper for the purpose of the construction or maintenance of the track or tracks, water stations, depots, machine or workshops, turntables, or any other buildings or structure, necessary for such railroad; but such company shall not hold such real estate, or any right, title, or interest therein, acquired, or used solely, or mainly, for the construction or maintenance of the track or tracks of said railroads, beyond the time of the legal existence of said company, nor after the location of said track or tracks has been changed therefrom, nor after the said company shall have failed or ceased to use the same for the maintenance of such track for the space of five years continuously; but in each of such cases, the said real estate, and all the right, title, and interest therein, shall revert to the person or persons, and his or their assigns, from whom the same was acquired by said company.

Surveys.

General  
rights and  
powers.

280. SEC. 23. If it shall become necessary, for any of the purposes aforesaid, for such company to acquire any real estate, or any right, title, or interest therein, which is the property of any infant, idiot, or

Property  
of minors,  
idiots, etc.

Approval  
of sale by  
Probate  
Judge.

insane person, the guardian, executor, or administrator, as the case may be, may sell and convey the same to said company; but neither such sale nor conveyance shall be valid, for any purpose, until the same shall have been approved by the Judge of the proper Probate Court; and said Judge is hereby authorized to examine such deeds and conveyances, and if he shall deem the same just and proper, he shall approve the same, and thereupon such conveyances shall have the same force and effect, for the purposes in this section mentioned, as if the same had been executed by persons competent to convey lands in their own names. Such company may acquire any real estate, or any right, title, interest, estate, or claim therein or thereto, necessary for the purposes of said company, as hereinbefore provided, by means of the special proceedings prescribed in this Act. (Amendment approved April 27th, 1863, p. 610; took effect from passage.)

Proceed-  
ings to  
acquire  
real estate.

Petition.

281. SEC. 24. Said special proceedings shall be conducted substantially as follows: The said company shall file in the Clerk's office of the County Court, or the District Court, in the county in which said real estate is situated, a petition, verified according to law, stating therein the name of the company, the time when it was incorporated, that it still continues in legal existence, the principal termini of the proposed railroad, the descriptions, by metes and bounds, or by some accurate designation of the tract or tracts of land which said company desire to appropriate for the purposes in the foregoing section mentioned; that said tract or tracts of land are necessary for said purposes; that the line of said railroad has been surveyed, and a map thereof made (a copy of which shall be filed with said petition); that said line has been adopted as the route of said railroad, and the names of the persons in possession of said tract or tracts of land, and of those

claiming any right, title, or interest therein, as far as the same can be ascertained by reasonable diligence.

282. SEC. 25. The persons in occupation of said tract or tracts of land, and those having any right, title, or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and show cause against the same, and may appear and be heard before the Commissioners herein provided for, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Rights of  
defendants.

283. SEC. 26. The said Court, or the Judge thereof, either in term time or vacation, shall, by order, appoint the time for the hearing of said petition, and such hearing may be had, and all orders in said proceedings may be made by the said Court, or the Judge thereof, either in term time or vacation.

Hearing of  
petition.

284. SEC. 27. The said company shall cause all the occupants and owners of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said county, to be personally notified of the pendency of the said petition, at least ten days before the hearing thereof, and if any of said occupants or owners are unknown, or do not reside in said county; and have not been personally notified of the pendency of said petition, said company shall cause a notice, stating the filing of said petition, the object thereof, the tracts of land sought to be appropriated, and the time and the place of the hearing of said petition, to be published for four successive weeks previous to the time of hearing of said petition, in a newspaper published in said county, or if none is published in said county, then in a newspaper published nearest to said county.

Notice to  
owners.

Publica-  
tion of  
notice.

Defendants may appear.

Appointment of Commissioners.

Vacancy.

Meeting of Commissioners.

285. SEC. 28. The defendants to said petition may appear and show cause against said petition, on or before the time for the hearing thereof, or such other time as the hearing may be continued to; and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition, as herein prescribed, and upon the hearing of the allegations and proofs of the said parties, if the said Court or Judge shall be satisfied that the said lands, or any part thereof, are necessary or proper for any of the purposes mentioned in said petition, then such Court or Judge shall appoint three competent and disinterested persons as Commissioners—one of whom shall be selected from among the persons, if any, named for that purpose by said company, and one shall be selected from among the persons, if any, named on the part of any of the defendants—to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title, or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of said company. If any vacancy occur among said Commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge, to fill such vacancy, upon notice being given of such vacancy, as the said Court or Judge may direct.

286. SEC. 29. The said Court, or Judge, shall appoint the time and place for the first meeting of said Commissioners, and the time for the filing of their report, and may give such further time as may be necessary for that purpose, if they shall not have then completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and before entering on their duties shall be duly



sworn, to honestly, faithfully, and impartially perform the duties imposed upon them; and any one of them may issue subpoenas for witnesses for either of said parties, and may administer oaths; and said Commissioners may adjourn from place to place, and from time to time, as may be necessary for the proper discharge of their duties.

Powers and  
duties of.

287. SEC. 30. The said Commissioners shall proceed to view the tract or tracts of land described in the petition, as ordered by said Court or Judge, and shall ascertain and assess:

Assess-  
ment of  
damages  
by and  
report of  
Commis-  
sioners.

First—The value of the land sought to be appropriated, and of each and every estate or interest therein. If the land consists of different tracts, each tract, and each estate or interest therein, shall be separately assessed.

Second—If the land sought to be appropriated constitutes only a part of a larger tract, they shall next assess the damages which, in their judgment, will accrue to the portion not sought to be taken by reason of its severance from the portion sought to be taken and the construction of the railroad in the manner proposed by said company; and in assessing such damages they shall include the cost of good and sufficient fences along the line of said railroad, and the cost of cattle guards, where fences may cross the line of said railroad, unless said railroad company shall have offered or agreed, in their petition, to construct the same, in which case the cost of the same shall not be included in said damages; *provided*, if said land be uninclosed, said company shall not be required to construct said fences and cattle guards until the owners of the land shall have constructed fences abutting upon said railroad. The damages to each tract, and to each estate or interest therein, shall be separately assessed.

Same.

Third—If, as aforesaid, the land sought to be appropriated constitutes only a part of a larger tract, they shall next ascertain and assess separately how much, in their judgment, the portion not sought to be appropriated, and each estate or interest therein will be benefited, if at all, by the construction of said railroad; and if the benefit shall be equal to the damages assessed as aforesaid, the owner or owners of the land shall be allowed no compensation except the value of the land sought to be appropriated; but if the benefit shall be less than the damages, the former shall be deducted from the latter, and the remainder shall be the only damages allowed over and above the value of the land taken.

Adverse  
claims.

On or before the time or times appointed by said Court or Judge, the Commissioners shall file their report in the office of the Clerk of said Court, which shall be signed by them, and shall contain a full account of their proceedings, including the testimony taken by them, and their rulings upon the admission or exclusion of testimony, and the exceptions, if any, taken to such rulings by any of the parties to the proceeding. The Commissioners may include all the tracts of land in one report, or they may make several reports, including one or more tracts, at their option, provided the Court or Judge shall have made no order in the premises. In case there shall be adverse or conflicting claims to the land or any portion thereof, the Commissioners shall not undertake to determine the same; but the parties thus asserting such claims shall present the same, by petition, to the Court or Judge, after the report of the Commissioner shall have been filed, and the Court or Judge shall proceed to hear and determine the same. In such cases the company may pay the sum awarded by the Commissioners to the Clerk of the Court, to abide the order of the Court or Judge, upon the final determination of such conflict-

ing claims, and shall not be liable for any costs which may be caused by such litigation. (Amendment approved March 30th, 1868, p. 705, superseding amendment approved April 27th, 1863, p. 610; took effect from passage.)

288. SEC. 31. The said company, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days' notice to the parties interested, move to set aside the report and to have a new trial as to any tract of land; and upon good cause shown therefor, the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same, or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed; but such matter shall not be more than twice recommitted to Commissioners. New trials.

289. SEC. 32. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be appointed therefor, if the motion and notice shall not have been made and given, as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly done, the said Court or Judge shall confirm each of said reports, and certify the same thereon. Confirmation of reports.

290. SEC. 33. Each of said reports, and the certificates thereon, upon the compensation therein named being paid, shall be recorded in the Recorder's office of said county, by said company. The said Court or Judge may make all such orders as may be necessary or proper, in the special proceedings provided for in this Act, and shall cause the pleadings and proceedings to be amended whenever justice shall require it to be done, and shall direct the manner of the service of all orders and notices not herein specially provided Records of reports.

Costs.

for. Costs in such special proceedings shall be taxed by the Clerk, at the rates prescribed in the fee bill for said county, in civil actions, and shall be paid by said company, except in case where a defendant shall move for a new trial, and the compensation assessed by the Commissioners shall not be increased more than ten per cent upon the previous assessment, in which case such defendant shall pay the cost.

Defective titles.

291. SEC. 34. If the title attempted to be acquired by virtue of the provisions of this Act shall be found to be defective from any cause, such company may again institute proceedings to acquire the same, as in this Act prescribed; and at any stage of such new proceedings, or of any proceedings under this Act, the Court, or Judge in chambers may, by a rule or order in that behalf made, authorize such company, if already in possession, to continue in the use and possession; and if not in possession, to take possession of and use such premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such company on account thereof; *provided*, such company shall pay a sufficient sum into Court, or give security, to be approved by such Court or Judge, to pay the compensation in that behalf when ascertained. (Amendment approved April 27th, 1863, p. 610; took effect from passage.)

Passage of title to company.

292. SEC. 35. Upon the report of the Commissioners being filed for record, as above provided for, and upon the payment or tender of the compensation and costs, as prescribed in this Act, the real estate, or the right, title, or interest therein described in such report, shall be and become the property of said company, for the purposes of its incorporation, and shall be deemed to be acquired for, and appropriated to, public use.

293. SEC. 36. Such company shall, within thirty days after the final confirmation of the report as aforesaid, pay or tender the sum of money ascertained and assessed by said Commissioners, as and for the compensation of each tract of land described in said report, of which the compensation was ordered by said Court or Judge to be ascertained and assessed as aforesaid; and said payment or tender may be made to the person or persons owning said tract of land, or having or holding any right, title, or interest therein, according to the amount or extent of the right, title, or interest owned or held therein by such person or persons, or said payment may be made to the said Clerk for said persons, and the same shall be deemed and taken as a payment to such person or persons, and shall be as effectual for all purposes whatsoever as if the said sum of money had been personally paid to each and all of the persons entitled thereto.

Payment  
or tender.

294. SEC. 37. The said Court or Judge shall, at the time of the payment of the said sum of money to the said Clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall upon satisfactory proof appear to be entitled thereto.

Court  
to order  
payment.

295. SEC. 38. In all the proceedings in relation to the sale or appropriation of real estate, and ascertaining and receiving the compensation therefor, for railroad purposes, as prescribed in this Act, the term "person" shall be deemed to include municipal or other corporations.

Definition  
of  
"person."

296. SEC. 39. The minutes of the proceedings had before such Judge shall be entered by said Clerk in the same manner and with the same force and effect as if the proceedings were had before said Court in term time.

Duties of  
Clerk.

Consolidation of companies.

Publication of notice.

Copy filed with Secretary of State.

Damages for not keeping up fences, etc.

297. SEC. 40. It shall be lawful for two or more railroad companies to amalgamate and consolidate their capital stock, debts, property, assets, and franchises in such manner as may be agreed upon by the Board of Directors of such companies so desiring to amalgamate and consolidate their interests; but no such amalgamation or consolidation shall take place without the written consent of three fourths of the value of all stockholders in interest of each company, and no such amalgamation or consolidation shall in any way relieve such companies, or the stockholders thereof, from any and all just liabilities; and in case of such amalgamation or consolidation, due notice of the same shall be given by advertising for one month in at least one newspaper in each county, if there shall be one published therein, into or through which such roads shall run, and also for the same length of time in one paper published in Sacramento, and in two papers published in San Francisco, and when the consolidation and amalgamation is completed, a copy of the new articles of association shall be filed in the office of the Secretary of State. It shall be the duty of the railroad company to make and maintain a good and sufficient fence on either or both sides of their property; and in case any company do not make and maintain such fence, if their engine or cars shall kill, maim, or destroy any cattle, or other domestic animals, when they stray upon their line of road where it passes through or alongside of the property of the owners thereof, they shall pay to the owner or owners of such cattle, or other domestic animals, a fair market price for the same, unless the owner or owners of the animal or animals so killed, maimed, or destroyed shall be negligent or at fault. In any case where the railroad company have heretofore or may hereafter pay to the owner or owners of the land through which, or alongside of which, their road is or may be located, an agreed price for making

and maintaining such fence, or whenever the cost of <sup>Same.</sup> such fence has been or may be included in the award of damages allowed and paid for the right of way for such railroad, such company shall be entirely relieved and exonerated from all claims or awards of damages arising out of the killing or maiming any animals as aforesaid, in favor of all persons or their successors or assigns, who shall thus fail to construct and maintain such fence. And the owner or owners of such animals shall become responsible to the railroad company for any damage or loss which may accrue to such company from such animals being upon their railroad track by reason of the non-construction of such fence by said owner, unless it can be proven that such loss or damage accrued by reason of the negligence of such company, its officers, agents, or employés.

298. SEC. 41. A bell of at least twenty pounds weight shall be placed on each locomotive engine, and be rung at a distance of at least eighty rods from the place where the railroad shall cross any street, road, or highway, and be kept ringing until it shall have crossed such street, road, or highway, under a penalty of one <sup>Regulation of trains.</sup> hundred dollars for every neglect, to be paid by the <sup>Penalty.</sup> corporation owning the railroad, one half thereof to go to the informer and the other half to the State; and said corporation shall also be liable for all damage which shall be sustained by any person by reason of such neglect.

299. SEC. 42. A check shall be affixed to every <sup>Checks.</sup> package or parcel of baggage when taken for transportation by the agent or employé of such railroad company, and a duplicate thereof given to the passenger or person delivering the same in his behalf; and <sup>Damages for loss of baggage.</sup> if such check be refused on demand, the railroad company shall pay to such passenger the sum of twenty dollars, to be recovered in an action for debt; and

further, no fare or toll shall be collected or received from such passenger, and if such passenger shall have paid his or her said fare, the same shall be returned by the conductor in charge of the train, and on producing said check, if his or her baggage shall not be delivered to him or to her by the agent or employé of said railroad company, he or she may, himself or herself, be a witness in any suit brought by him or her to recover the value thereof, to prove the contents and value of said baggage.

Map and  
profile to  
be filed.

300. SEC. 43. Every railroad company in this State shall, within a reasonable time after their road shall be finally located, cause to be made a map and profile thereof, and of the land taken and obtained for the use thereof, and the boundaries of the several counties through which said road may run, and file the same in the office of the Secretary of State; and also, like maps of the parts thereof located in different counties, and file the same in the office of the Clerk of the county in which said parts of said road shall be, there to remain as of record forever. The said maps and profiles shall be certified by the chief engineer, the acting President, and Secretary of such company, and copies of the same, so certified and filed as aforesaid, shall be kept in the office of the Secretary of the company, subject to examination by all parties interested.

Annual  
report.

301. SEC. 44. Every such railroad corporation shall make an annual report to the Secretary of State of the operations of the year ending on the thirty-first day of December, which report shall be verified by the oaths of the President, or acting superintendent of operations, the Secretary, and Treasurer of such corporation, and filed in the office of the Secretary of State by the twentieth day of February, in each year, and shall state:



First—The capital stock, and the amount actually paid in. Form of

Second—The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines, and cars, respectively.

Third—The amount and nature of its indebtedness, and the amount due the corporation.

Fourth—The amount received from the transportation of passengers, of property, of mails, express matter, and from other sources.

Fifth—The amount of freight, specifying the quantity in tons.

Sixth—The amount paid for repairs of engines, cars, buildings, and other expenses, in gross, showing the current expenses of running such road.

Seventh—The number and amount of dividends, and when paid.

Eighth—The number of engine houses and shops, of engines and cars, and their character.

302. SEC. 45. Every such company shall start and run their cars for the transportation of persons and property, at such regular times as they shall fix by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer, or to be offered, for transportation, at the place of starting, and the junction of other railroads, and at siding and stopping places, established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the payment of tolls, freight, or fare, therefor. Duties of company.

303. SEC. 46. In case of refusal by such company, or their agents, so to take and transport any Damages for refusal to carry passengers.

passengers, or property, or to deliver the same at the regular appointed place, such company shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

Arrange-  
ment of  
trains.

Penalty for  
violation.

304. SEC. 47. It shall be unlawful to place baggage, freight, merchandise, or lumber cars in the rear of passenger cars, and for any violation of the provisions of this section the company shall be liable, upon complaint to the party complaining, in the sum of five hundred dollars; and the person, agent, director, or officer so causing the cars to be placed, shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the County Jail for three months, or both such fine and imprisonment; and should any accident happen to life or limb by such unlawful arrangement of cars, the person, agent, director, or officer who so directed or suffered such arrangement, shall be guilty of felony, and upon conviction thereof shall be imprisoned in the Penitentiary for any term not less than three and not more than ten years.

Liability of  
company  
for injury  
caused by  
wrongful  
arrange-  
ment.

305. SEC. 48. In case any passenger on any railroad shall be injured on the platform of a car, or on any baggage, wood, gravel, or freight cars, in violation of the printed regulations of the company, posted up at the time in a conspicuous place inside of its passenger cars then in the train, or in violation of verbal instructions given by any officer of the train, such company shall not be liable for the injury; *provided*, said company at the time furnished room inside its passenger cars sufficient for the accommodation of its passengers.

Conductor  
may eject  
passengers.

306. SEC. 49. If any passenger shall refuse to prepay his fare or toll upon demand, it shall be lawful for the conductor of the train and the employés of the

company, to put him out of the cars at any stopping place the conductor shall elect.

307. SEC. 50. Every conductor, baggage master, engineer, brakeman, or other employé of any such railroad company, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap, or in some conspicuous place on the breast of his coat, a badge, which shall indicate his office or station, and the initial letters of the name of the company by which he is employed. No collector, or conductor, without such badge, shall demand, or be entitled to receive, from any passenger, any fare, toll, or tickets, or exercise any of the powers of his office or station; and no other of said officers or employés, without such badge, shall have any authority to meddle or interfere with any passenger or property.

Officers  
to wear  
badges.

308. SEC. 51. It shall be unlawful for any such railroad company to charge more than ten cents per mile for each passenger, and fifteen cents per mile for each ton of freight transported on its road; and for every transgression of such limitation, the company shall be liable to the party suffering thereby, treble the entire amount of fare or freight so charged to such party; *provided*, that in no case shall the company be required to receive less than twenty-five cents for any one lot of freight for any distance.

Rate of  
charges.

309. SEC. 52. If any person shall, while in charge of a locomotive engine, running upon any railroad for such company, or while acting as a conductor of a car or train of cars on any such railroad, be intoxicated, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the County Jail not exceeding six months.

Penalty for  
intoxica-  
tion of  
employé.

Injuries to  
works of  
company.

310. SEC. 53. If any person or persons shall willfully do or cause to be done, any act or acts whatever, whereby any building, construction, or work, of any kind, of any such company, or any engine, machine, or structure, or any matter or thing appertaining to the same, or to the track of said road, or any property or thing, belonging to or appertaining to such railroad, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, such person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to said company treble the amount of damages sustained by means of such offense, besides a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding six months, or both such fine and imprisonment, in the discretion of the Court; and if, by reason of any unlawful acts, any accident should happen to life or limb of any person riding or being in the cars of such railroad, then such person or persons shall be guilty of felony, and upon conviction thereof shall be imprisoned in the Penitentiary for any term not less than three nor more than ten years. It shall be unlawful for any person or persons, engaged in mining or other pursuits, to tunnel, drift, or in any manner excavate under or upon any land belonging to any railroad company, without the consent of such company; and any person so offending, shall be liable to the fine and punishment hereinbefore mentioned, whether injury results to any person by reason thereof or not.

Forfeiture  
of charter  
for non-  
construc-  
tion of  
road.

311. SEC. 54. Such railroad company shall, within two years after filing its original articles of association, begin the construction of its road, and shall, every year thereafter, complete and put in full operation at least five miles of its road, until the same shall be fully completed; and upon its failure so to do, for the period of one year, its right to extend its road beyond

the point then completed shall be forfeited. (Amendment approved April 1st, 1870, p. 577.)

312. SEC. 55.\* If any certificate or report made, or public notice given, by the officers of such company, in pursuance of the provisions of this Act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof, and shall likewise be guilty of a misdemeanor, and shall be fined in any sum not exceeding one thousand dollars, in any Court having jurisdiction, and disqualified from holding any office of trust or profit in such company.

False  
notice  
or report.

\* Applicable to street railroads.

313. SEC. 56. If the Directors of such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall respectively remain in office; *provided*, that if any of the Directors shall be absent at the time of making the dividend, or shall object thereto, and shall within thirty days thereafter, or after their return, if absent, file a certificate of their absence or objection, with the Secretary of the company and with the Clerk of the county, or District Court of the county in which the principal office of said company is located, they shall be exempt from said liability. All the existing railroad companies in this State may acquire, and may be possessed of, all the powers, rights, and benefits conferred by this Act, fully and completely, by filing a written acceptance thereof in the office of the Secretary of State, signed by all the Directors of such company, and attested by

Payment of  
dividends  
when  
insolvent;  
liability of  
Directors.

the President and Secretary thereof, with the seal of such company affixed thereto; and the acceptance of any part of this Act shall be deemed and taken to be an acceptance of the whole Act, and a surrender of the Act or Acts under which such company may be organized; thereupon, such company shall possess all of such powers, rights, and benefits, so accepted, and be subject to all of the obligations and restrictions herein specified, as fully and completely as they would have had and been if organized under this Act.

Kind of  
rails to  
be used.

314. SEC. 57. All railroads built by companies incorporated under the provisions of this Act shall be constructed of the best quality of iron rail, known as T rail or H rail, or other pattern of equal utility, until otherwise provided by law; *provided*, the provisions of this section shall not apply to tracks laid down in the streets of incorporated cities or towns, or to railroad tracks used exclusively for carrying freight, or for mining purposes. (Amendment approved May 6th, 1862, p. 498; took effect from passage.)

Street  
railroads.

315. SEC. 58. Corporations may be formed under this Act for the purpose of constructing, running, operating, and maintaining a street railroad or railroads, being wholly within the limits of a city and county, city or town, under a franchise or franchises granted to such corporation or to their assignors by an Act or Acts of the Legislature of California. Such corporations shall be subject only to the provisions of sections one to sixteen of this Act, both inclusive; of subdivisions two, three, four, five, ten, and thirteen of section seventeen, and to the provisions of sections fifty-five, fifty-nine, and sixty, and shall have all the rights and powers in such sections and subdivisions granted, and no others of those in this Act conferred; but, notwithstanding anything in this Act to the contrary provided, such corporations shall also have all the rights, powers,

and privileges conferred by the Act or Acts granting the franchise or franchises in this section before mentioned.

316. SEC. 59.\* An Act entitled an Act to provide for the incorporation of railroad companies, approved April twenty-second, eighteen hundred and fifty-three, and all Acts supplementary to or amendatory thereof, are hereby repealed; *provided*, however, that this section shall not take effect until the expiration of sixty days from the passage of this Act, nor shall the same affect any rights, powers, franchises, or privileges obtained or now enjoyed by any person or persons or company under any law of this State heretofore in force.

Repeal of  
prior Acts.

\*Applicable to street railroads.

SEC. 60. This Act shall take effect and be in force from and after its passage.

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*An Act to amend the foregoing Act.*

[Approved May 6, 1862, p. 498.]

[Enacting clause.]

[Section 1 contains the amendment to Sec. 57 of the above Act of 1861, therein inserted.]

317. SEC. 2. Whenever the track of one railroad shall intersect or cross the track of another railroad, whether the same be street railroad wholly within the limits of a city or town, or other railroad, the rails of either or each road shall be so cut and otherwise adjusted as to permit the passage of the cars on each road with as little obstruction as possible; and in case the persons or corporations owning the said railroad cannot agree as to the compensation to be made for the said cutting and adjusting of their rails, the same shall

Crossings  
and inter-  
sections.

be ascertained by commissions, as hereinbefore provided in the respect to the taking of lands.

Not to use streets except by a two thirds vote of Supervisors.

318. SEC. 3. No railroad company heretofore organized or that may hereafter be organized under the Act of which this Act is amendatory and to which it is supplemental, shall have the right to use any of the streets or highways, or any of the lands or waters within any incorporated city, or any city and county of this State, unless the right to use the same be granted to said company by a vote of two thirds of all the members of the Board of Supervisors, the Common Council, or other similar local authority of said city and county; *provided*, that the provisions of this section shall in nowise affect any special grant heretofore made by the Legislature of the right to construct and maintain street passenger railroads in any city, or city and county of this State; and, *provided*, that nothing in this Act shall be so construed as to exempt any railroad company heretofore organized, or that may hereafter be organized under the Act of which this Act is amendatory and to which it is supplemental, from paying to the State the value of any lands or waters within the limits of any city, or city and county, or within three miles thereof, belonging to the State, and used by such company. The restrictions provided in this section shall be in addition to the restrictions and requirements already provided by law.

SEC. 4. This Act shall take effect from and after its passage.



## STREET RAILROADS.

*An Act concerning street railroads in this State.*

[Approved April 14, 1863, p. 296.]

[Enacting clause.]

319. SECTION 1. Any person or persons, association, joint stock company, or corporation, now owning, using, or employing, or which may hereafter own, use, or employ, any street railroad in the carrying of passengers in this State, who shall, in person or by agents, servants, or employés, demand or receive from any person being conveyed, or demanding to be conveyed, as a passenger, on any omnibus, car, or vehicle employed or used on such street railroad for the conveyance of passengers, or who shall, in person, or by agents, servants, or employés, demand or receive from any person, for the sale of any omnibus or car ticket, check, or pass, to be used in payment of fare on any such railroad as fare or compensation for such passage, conveyance, ticket, check, or pass, a sum of money greater than is or may be allowed by the terms of the Act, charter, or ordinance giving to such person or persons, association, joint stock company, or corporation the right to lay down and maintain such street railroad, or if such Act, charter, or ordinance shall have been amended, than which may be allowed by such Act or ordinance amendatory thereof, shall forfeit to the person from whom such demand shall be made, or such money shall be received, for himself, as well as for the State of California, for every such demand or receipt, the sum of two hundred dollars, to be recovered in a civil action in any Justice's Court in the county, or city and county, in which such street railroad is situated; and it is further *provided*, that it

Penalty  
for over-  
charges  
and failure  
to furnish  
tickets.

Same.

shall be the duty of any person or persons, corporation, joint stock company, or association employing or running any street railroad in this State, to provide and furnish at all times the conductor of each passenger car employed on such railroad with passenger tickets or checks, each to be good for one ride, in sufficient quantities for the accommodation of the public, and shall cause such conductor to furnish the same to any person desiring to buy such tickets or checks, at all times, upon request; and any such person or persons, corporation, joint stock company, or association failing to so provide tickets, or refusing, by their conductors, to furnish any person demanding the same with such tickets at the rate provided by law, shall be subject to the forfeitures hereinbefore provided in cases of overcharges for tickets, to be enforced in the same manner, and subject to the same rules.

Collection  
of penal-  
ties.

320. SEC. 2. Such action shall be commenced and maintained by the person from whom such sum of money has been demanded or received, in his or her own behalf, as well as on the part and behalf of the State; and upon recovery and collection thereof, one half of the sum collected in such suit shall be, by the Justice in whose Court said suit is pending, or judgment rendered, paid to the person so bringing such suit, and one half to the County Treasurer of the county, or city and county, for the State.

Trial.

321. SEC. 3. Upon the trial of said action, proof that the person demanding or receiving such sum of money as fare, or for the sale of such ticket, pass, or check, was at the time of making such demand, or receiving such moneys, engaged on or at such car, omnibus, or vehicle of such railroad belonging to such person or persons, associations, joint stock company, or corporation, shall be deemed prima facie evidence that such person so demanding or receiving such

moneys was the agent, servant, and employé of the person or persons, associations, joint stock company, or corporation so owning, using, or employing such railroad.

322. SEC. 4. The person so suing under the provisions of this Act shall be deemed a competent witness in such suit, any statute or law to the contrary notwithstanding. Evidence.

323. SEC. 5. Such suit shall be instituted within thirty days from and after said cause of action shall have accrued, and not afterward. Com-  
mence-  
ment  
of suit.

324. SEC. 6. Any person acting as conductor upon any railroad, or agent for any railroad company, who shall violate any of the provisions of this Act, shall be deemed and held guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, and imprisonment in the County Jail for a term not exceeding six months, as the Court may direct. Duty of  
conductors.

325. SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act. Repeal of  
conflicting  
provisions  
of prior  
Acts.

SEC. 8. This Act shall take effect and be in force from and after its passage.

An Act to authorize the counties of the State of California to become stockholders in railroad companies, approved April 16th, 1859, p. 263.

An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April 4th, 1864; Stats. 1863-4, p. 357.

## SPECIAL ACTS.

*An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.*

[Approved March 30, 1868.]

[Enacting clause.]

Stockton  
and Cop-  
peropolis  
Railroad.

Special  
provisions.

326. SECTION 1. That the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State, and whose articles of association were duly filed in the office of the Secretary of State on the eleventh day of October, eighteen hundred and sixty-five, is hereby designated as the company to be vested with the rights, privileges, franchises, and grants, created and conferred by the Act passed by the Congress of the United States of America, entitled an Act granting lands to aid in the construction of a railroad from the City of Stockton to the Town of Copperopolis, in the State of California, approved March second, eighteen hundred and sixty-seven.

Reference  
to local  
and special  
Acts.

327.

An Act giving effect to an Act of Congress relating to the California and Oregon Railroad Company, approved March 30th, Stats. 1868, p. 65.

California Pacific Railroad Company, to build bridge across river at Sacramento City, Stats. 1868, p. 671.

Rights of San Francisco and Mission Railroad granted to Central Pacific Railroad Company, Stats. 1868, p. 671.

Central Pacific Railroad Company, to build bridge across river at Knight's Landing, Stats. 1868, p. 671.

Terminal Central Pacific Railroad, time extended for providing depot grounds, Stats. 1870, p. 525.

Northern California Railroad, to hold an election, Stats. 1866, p. 304.

Western Pacific, time extended for same purpose, Stats. 1870, p. 668.

Southern Pacific, time extended for same purpose, Stats. 1870, p. 669.

Southern Pacific, to change line of road, Stats. 1870, p. 883.

Southern Pacific, to aid in giving effect to Act of Congress, Stats. 1870, p. 883.

Counties south of Santa Clara authorized to aid construction of Southern Pacific Railroad, Stats. 1866, p. 816.

County aid to, Stats. 1870, pp. 774, 746.

Franchise granted to Black Diamond Coal Mining Company, Stats. 1866, p. 307.

As to local franchises, see references to special and local Acts under the several counties; see the same as to authorization to counties to subscribe to stock of local railroads.

All the powers, rights, and privileges contained in certain sections of the Railroad Act, approved May 20th, 1861, p. 607, as well as of the Act amendatory thereto, approved May 6th, 1862, p. 498, are extended to the Black Diamond Coal Mining Company, by Act approved March 30th, 1866, p. 307, and to the tramroad or railroad company, organized under the Act approved March 31st, 1866, p. 569, and 1868, p. 617.

An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, approved April 4th, 1864, p. 357, was repealed by an Act approved March 27th, 1868, p. 404.

## ARTICLE V.

### PLANK AND TURNPIKE ROADS.

**Section 328.** Organization of joint stock companies by nine or more persons.

329. Declaration of intention; notices.

330. Publication.

331. Preliminary organization; filing papers.

332. Survey of road; stock; subscription book.

333. Liability of members before final organization.

334. Notice of meeting for permanent organization; election; vacancies.

335. Directors to hold over in case of non-election of successors; quorum.

336. Meetings of Directors and notices thereof.

337. Dissolution by operation of law.

338. Papers to be filed.

339. Corporate powers.

340. Stock deemed personal estate; transfer of stock.

341. Power to call in subscriptions; sales for assessments.

342. Location of road; Commissioners to assess damages.

343. Compensation for property injured by construction of road.

344. Location over or on public roads, etc.

345. Bridging, gates, tolls, etc.

346. Directors to exercise corporate powers; copy of by-laws filed in each county.

347. Liability of stockholders.

348. Trustees and pledgees holding stock.

349. Books of corporation; certified copy evidence.

## SECTION 350. Penalty for false entries.

351. Companies may increase or diminish capital stock.

352. Same; proceedings therefor.

353. Certificate of proceedings to be filed.

354. Proceedings upon dissolution.

355. Petition for dissolution.

356. Non-payment of toll.

357. Rates of toll to be posted.

358. Penalty for delaying travelers.

359. Penalty for injuring property.

360. Penalty for avoiding payment of toll.

361. Repeal of former Acts.

[The earliest Act providing for the incorporation of plank and turnpike roads, consisted of "Chapter IV. Companies to construct turnpike roads or plank roads" of "An Act concerning corporations," passed April 22d, 1850, p. 347. This Chapter was repealed by section thirty-five of the following Act:]

*An Act to authorize the formation of corporations for the construction of plank or turnpike roads.*

[Approved May 12, 1853, p. 169.]

[Enacting clause.]

Organiza-  
tion of  
joint stock  
companies  
by nine  
or more  
persons.

328. SECTION 1. Nine or more persons may organize a joint stock company for the construction of a plank road, a turnpike road, or a plank and turnpike road, in this State, in the following manner:

Declara-  
tion of  
intention.

329. SEC. 2. They shall make and subscribe their declaration of intention to organize such company, and shall designate therein what kind of road, the general route, and the termini, as nearly as practicable, and shall also designate therein a time, not less than ten days after publication, and a place in one of the counties intended to be traversed by such road, for a meeting of the subscribers of the notice, for the purpose of a preliminary organization of such company, as hereinafter provided.

Notices.

330. SEC. 3. Said notice shall be published one week or more in one or more newspapers in each of the counties intended to be traversed by such road, and if there be no newspaper published therein, then said notice shall be posted for the same period in five public places in said counties.

Publica-  
tion.

331. SEC. 4. At the time and place specified for the meeting of the subscribers, they shall proceed to the election, from their number, of a President, Secretary, and Treasurer, and designate their corporate name, and shall file a certificate of the same, together with their declaration of intention, as provided in section ninth of this Act, from which time they and their successors and all officers and stockholders, shall be and remain a body corporate. The officers shall hold their offices until the final organization of the company and the election of their successors, as is hereinafter provided.

Prelimi-  
nary or-  
ganization.

Filing  
papers.

332. SEC. 5. The company, after the preliminary organization, shall, as soon as practicable, cause a survey to be made of the proposed route, and shall determine the amount of capital stock required for the construction of the road, and also fix the number and valuation of shares, and to determine the period of its existence, which shall not exceed twenty years. They shall also open the books for subscription to stock in such company, at such time and place, and in such manner, as they shall designate by vote.

Survey  
of road.

Stock.

Subscrip-  
tion book.

333. SEC. 6. Until the final organization of the company, as hereinafter provided, the members thereof shall be jointly and severally liable for all debts contracted prior to such final organization.

Liability of  
members  
before final  
organiza-  
tion.

334. SEC. 7. As soon as the amount of the capital stock designated shall be subscribed, reasonable notice shall be given by the company to all resident

Notice of  
meeting for  
permanent  
organiza-  
tion.

**Election.**

stockholders of the State, in such manner as the company may direct, that a meeting of the stockholders will be held at a specified time and place, for the purpose of electing a President, Secretary, and Treasurer, and a Board of not less than five Directors and officers, to fill such other offices as may be established, and of enacting by-laws for the company; and thereupon, at such specified time and place, the stockholders shall proceed to elect said officers, and perform such other acts as may be necessary for the better organization of the company. The officers specified in this section shall hold their office for one year and until their successors be elected, and thereafter such officers shall be annually elected. They shall be stockholders and residents of the State, except absent on business of the company, and shall be elected at such time and place and upon such notice, and in such mode, as shall be decided by the by-laws of the company. But all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he owns shares of stock. In such elections a plurality of votes shall elect. Vacancies shall be

**Vacancies.**

filled in such manner as may be provided for in the by-laws. The President and Secretary of the company shall be ex officio members of the Board of Directors, and the President and Secretary thereof. Whenever any stock is held by any person as executor, administrator, guardian, or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may nevertheless represent the same at all meetings, and vote accordingly as a stockholder.

335. SEC. 8. If it should happen at any time that an election shall not be made on the day designated



by the by-laws of the company, the corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election in such manner as shall be provided for by the by-laws of the company; and all acts of Directors and officers shall be valid and binding upon the company until their successors shall be elected. A majority of the whole number of Directors shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, shall be valid as a corporate act.

Directors to hold over in case of non-election of successors.

Quorum.

336. SEC. 9. The meeting of Directors shall be called by a notice, signed by the President or two Directors, setting forth the time and place of meeting, which notice shall be either delivered personally to each Director, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto.

Meeting of Directors and notices thereof

337. SEC. 10. Unless the preliminary organization provided for in section four of this Act be made within one month after the publication of the original notice of declaration of intention, and unless the whole amount of capital stock designated shall be subscribed, and the final organization provided in section seven be made within six months after such preliminary organization, and an amount equal to ten per cent or more of the capital stock be paid in, and the survey filed within one month after such final organization, then the company shall be deemed to have abandoned its intention, and shall be dissolved by operation of law.

Dissolution by operation of law.

338. SEC. 11. As soon as the preliminary organization shall have been made, the company shall file in

Papers  
to be filed.

the office of the County Recorder in each county traversed by such road, a copy of the original notice of declaration of intention, and a certificate of the election of officers and of the corporate name; and as soon as the final organization of said company shall have been made, and an amount equal to ten per cent of the capital stock have been paid in, a certificate of the same, setting forth the whole amount of stock and the percentage therein paid, shall be filed as above provided in this section, and as soon as the survey and the route shall have been adopted, the same shall be filed in each county traversed by the road. Immediately after the filing of the notice, certificates, and surveys, the Recorder of the county first in alphabetical order shall certify to the Secretary of State the fact of the complete organization of the company, as appearing on record in his office.

Corporate  
powers.

339. SEC. 12. The company shall have power:

First—To sue and be sued, in any Court.

Second—To make and use a common seal, and alter the same at pleasure.

Third—To purchase, hold, sell, and convey, such real and personal estate as the purposes of the corporation shall require.

Fourth—To appoint such officers, agents, and servants as the business of the corporation shall require to define their powers, prescribe their duties, and fix their compensation.

Fifth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no officer or Director shall be removed from office unless by a vote of a majority of the stockholders.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company, the management of its property, the regulation

of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

340. SEC. 13. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid except between the parties thereto, until the same shall have been so entered on the books of the company as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no such transfer shall be deemed valid to the prejudice of any mechanic's lien, or debt due to laborers on said property.

Stock  
deemed  
personal  
estate.

Transfer  
of stock.

341. SEC. 14. The company shall have power to call in and demand from the stockholders the sums by them subscribed, at such times and in such payments or installments as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week, for at least four weeks, in some newspaper published at the place designated as the principal place of business of the corporation, or if none be published there, in some newspaper nearest to such place. If, after such notice has been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; provided, that no sale shall be made except at public auction, to the highest bidder, after a notice of thirty days, published as above directed in this section, and that at such sale the person who will agree to pay the assessment so due, together with the expense of advertisement and the other expenses of sale, for the smallest

Power to  
call in sub-  
scriptions.

Sales for  
assess-  
ments.

number of whole shares, shall be deemed the highest bidder.

Location  
of road.

Commis-  
sioners  
to assess  
damages.

342. SEC. 15. The company shall have power to locate its contemplated road, in such manner and place as may be designated by its engineer, and approved by the company, following the general route and termini described in the original notice, and for that purpose they may enter upon and take possession of any land or real estate. If the same be private and individual property, and the right of way over and through it be not obtained by agreement, the company shall petition the County Court of the county in which the land may be situated, setting forth all such cases of disagreement in such county, and praying the Court to appoint three Commissioners to assess the damages arising from the taking of such right of way, and such Court shall thereupon appoint three disinterested persons, who shall have full power to proceed to such premises, and to examine, hear, and determine all questions of damages and injuries to such land arising from such taking, and to award the amount of the same to the person or persons entitled thereto, and for this purpose said Commissioners shall have power to administer oaths. The Commissioners shall make their report to the Court, and the same shall be affirmed, or set aside, for cause shown, and if set aside a new commission shall be appointed, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and execution may be issued thereupon by the Clerk of the Court.

Compensa-  
tion for  
property  
injured by  
construc-  
tion of road

343. SEC. 16. The company shall not locate their road through any house or orchard, or through any yard or garden, within fifty feet of any dwelling house, or through or over any mining claim, ditch, flume, or aqueduct, carrying water for mining or other purposes,

so as to hinder or obstruct the working of such claim, or the running of such water, without the consent of the owner thereof, or the approval of two or three Commissioners, to be appointed by the Court of Sessions for such purpose; and should such approval be obtained, and the road be located, the damages shall be assessed by the last named Commissioners, and collected in the same manner as is provided in section fifteen of this Act.

344. SEC. 17. Whenever any survey or location of such road shall touch, lap, or cover any portion of any public road or highway established under the laws of this State, the Court of Sessions of the county shall order the survey or relocation of such public road, to straighten the line of the same in such manner as shall leave a public highway in as good condition as if no plank or turnpike road had been laid out or constructed in its vicinity. And the expense of the survey, relocation, and opening of such public road shall be paid by the company or corporation designing to use the original track of such road. Whenever any plank or turnpike road, contemplated in this Act, shall cross any public road or highway, the company shall so construct its road that animals and vehicles can pass over the same without hindrance, inconvenience, or delay; and no fence or other obstruction shall be erected at any toll gate, by any corporation, so as to prevent the public highway from being traveled over, or to compel travel on any plank or turnpike road belonging to such corporation. (Amendment passed May 15th, 1854, p. 166.)

Location  
over or on  
public  
roads, etc.

345. SEC. 18. All companies formed, or that may hereafter form and organize under the provisions of this Act, shall have full power to bridge any stream or river not navigable on their adopted route, and to determine all matters touching the construction of

Bridging,  
gates, tolls,  
etc.

Same.

their road, including the width, and the manner and style in which the same may be built; but *provided*, always, that such companies as have already organized or that may hereafter organize under the provisions of this Act and the Act of which this is amendatory, shall only be allowed to put up and keep such toll gates, demand, collect, and receive such tolls as may be fixed and prescribed by the Board of Supervisors of the county or counties through which such road or roads may pass; such gates and tolls to be fixed and prescribed by such Board of Supervisors as aforesaid, from year to year. And if any company or companies shall violate the provisions of this Act by putting up any toll gate or gates, or by collecting any toll or tolls, except as may be fixed and prescribed by such Board of Supervisors as aforesaid, such company or companies shall forfeit all their corporate rights in such road or roads, turnpike or turnpikes, bridge or bridges, ferry or ferries, to the counties in which the same may be situated. Such company or companies may be prosecuted for such violation as aforesaid, before any Justice of the Peace in any township through which such road passes. (Amendment approved April 28th, 1857, p. 280.)

[The above section (eighteen) was repealed as far as it related to the Counties of Plumas, Sierra, Trinity, Siskiyou, Del Norte, Klamath, Butte, and Shasta, by Act passed April 23d, 1858, p. 265.]

Directors  
to exercise  
corporate  
powers.

346. SEC. 19. The Board of Directors shall exercise the corporate powers of the company, with such limitations and restrictions and to the extent only that may be prescribed in the by-laws of the company. It is expressly understood that the Directors and officers have no powers except such as are given by the stockholders in their resolutions and by-laws. The Secretary of the company shall file a copy of the by-laws,

and all amendments thereto, with the County Recorder of each county traversed by the road for public inspection, from which filing all contracts made by Directors or any officers or agents of the company, in behalf of the company, must be entered into under the powers and by the authority conferred in such by-laws; otherwise all such contracts shall be null and void as against the company, but valid and binding as against each and all the Directors, officers, or agents who made such contract or did not dissent therefrom. A majority of votes at any legal meeting shall be required for the valid enactment of by-laws, passage of resolutions, and in all proceedings of the company; *provided*, that said Board of Directors shall not be empowered in any manner to mortgage or otherwise to hypothecate the property of the company until twenty-five per cent of the capital stock has been paid in and vested in the construction of said road, nor then unless by a vote of two thirds in interest of the stockholders.

Copy of  
by-laws  
filed in  
each  
county.

347. SEC. 20. Each stockholder shall be individually and personally liable for his proportion of the debts and liabilities of the company contracted or incurred during the time that he was a stockholder; for the recovery of which joint or several actions may be instituted and prosecuted. The liability of each may be proportioned to the amount of stock owned respectively.

Liability  
of stock-  
holders.

348. SEC. 21. No person holding stock as executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company, but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of the executor, administrator, guardian, or

Trustees  
and  
pledgees  
holding  
stock

trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he had been living and competent to act and hold the stock in his own name.

Books of  
corpora-  
tion.

349. SEC. 22. It shall be the duty of every company incorporated under this Act, to cause a book to be kept, containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; which book, during the usual business hours of the day on every day, except Sunday and the fourth of July, shall be open for the inspection of the stockholders and creditors of the company, at the office or principal place of business of the company; and any stockholder or creditor shall have the right to make extracts from such book, or to demand and receive from the clerk or other officer having charge of such book, a certified copy of any entry made therein; such book or certified copy of any entry shall be presumptive evidence of the facts therein stated in any action or proceeding against the company, or against any one or more stockholders.

Certified  
copy  
evidence.

Penalty  
for false  
entries.

350. SEC. 23. If the clerk or other officer having charge of such book, shall make any false entry or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of one hundred dollars, and all damages resulting therefrom; and for neglecting to keep such book for inspection, as afore



said, the corporation shall forfeit to the people the sum of one hundred dollars for every day it shall so neglect; to be sued for and recovered, in the name of the people, by the District Attorney of the county in which the principal place of business of the corporation is located.

351. SEC. 24. Any company incorporated under this Act may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced, so as not to exceed the diminished amount of capital.

Companies may increase or diminish capital stock.

352. SEC. 25. Whenever it is desired to increase or diminish the capital stock, a meeting of the stockholders may be called by a notice, signed by at least a majority of the Directors, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located; which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of capital stock.

Same. Proceedings therefor.

353. SEC. 26. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing or diminishing the amount of the capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually

Certificate of proceedings to be filed.

paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Directors, and filed as required by the eleventh section of this Act, and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

Proceed-  
ings upon  
dissolution.

354. SEC. 27. Upon the dissolution of any company formed under this Act, the Directors at the time of the dissolution shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by the name of Trustees of such corporation; collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

Petition for  
dissolution.

355. SEC. 28. Any company formed under this Act may dissolve and disincorporate itself by presenting to the County Judge of the county in which the meetings of the company are usually held, a petition to that effect, accompanied by a certificate of its proper officers, and setting forth that, at a general or special meeting of the stockholders called for that purpose, it was decided, by a vote of two thirds of all the stockholders, to disincorporate and dissolve the corporation. Notice of the application shall be given them by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper in the county, or by advertisement posted up for thirty days in three of the most public places in the county. At the time and place ap-

pointed, or at any other to which it may be postponed by the Judge, he shall proceed to consider the application, and if satisfied that the corporation has taken the necessary preliminary steps and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved.

356. SEC. 29. Each toll gatherer may detain and prevent from passing through his gate, the persons leading or driving animals or carriages subject to toll, until they shall have paid respectively the tolls authorized by law. Non-payment of toll

357. SEC. 30. It shall be the duty of the President and Directors to affix and keep up, at or over each gate, or some conspicuous place, so as to be conveniently read, a printed list of the rates of toll demanded at such gate. Rates of toll to be posted.

358. SEC. 31. Every toll gatherer who, at any gate, shall unreasonably hinder or delay any traveler or passenger liable to the payment of toll, or shall demand and receive from any person more than by law he is authorized to collect, shall, for each offense, forfeit the sum of ten dollars to the person aggrieved. Penalty for delaying travelers.

359. SEC. 32. Every person who shall:

First—Willfully break, cut down, deface, or injure any milestone or post on any turnpike road, or plank road; or, Penalty for injuring property.

Second—Willfully break or throw down, any gate on such road; or,

Third—Dig up, or spoil, any part of such road, or anything thereunto belonging; or,

Fourth—Forcibly or fraudulently pass any gate thereon without having paid the legal toll; for each offense shall forfeit to the corporation injured the sum

of twenty-five dollars, in addition to the damages resulting from his wrongful act.

Penalty for  
avoiding  
payment  
of toll.

360. SEC. 33. Every person who, to avoid the payment of the legal toll, shall, with his team, carriage, or horse, turn out of a turnpike road or plank road, or pass any gate thereon on ground adjacent thereto, and again enter upon such road, shall, for such offense, forfeit the sum of five dollars to the corporation injured.

[Sec. 34 was repealed by Act approved April 13th, 1858, p. 145.]

Repeal of  
former  
Acts.

361. SEC. 35. Chapter four of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, and all other laws and Acts inconsistent herewith, are hereby repealed.

An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April 4th, 1864; Stats. 1863-4, p. 357.

See REVENUE.

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## ARTICLE VI.

### WAGON ROAD COMPANIES.

SECTION 362. Former Act applied.

363. General provisions relating to such companies.

364. Roads, etc., appropriated under this Act.

365. Revenue of roads and appropriation thereof; reduction of toll.

*An Act to provide for the incorporation of wagon road companies.*

[Approved April 22, 1853, p. 114.]

[Enacting clause.]

362. SECTION 1. All the provisions of "An Act to authorize the formation of corporations for the con-

struction of plank or turnpike roads," passed May twelfth, one thousand eight hundred and fifty-three, wherein the same do not conflict with the provisions of the following sections of this Act, shall apply to the corporations of companies formed for the purpose of constructing common wagon roads. (Amendment approved April 1st, 1856, p. 71.)

Former  
Act applied

363. SEC. 2. The amount of stock necessary to be subscribed prior to the incorporation of such company, shall be at least three hundred dollars per mile; the duration of such company shall not exceed ten years; the application for authority to construct such road shall be made to the Board of Supervisors, or when there is no such Board, by the Court of Sessions of each county in or through which said road shall run, and the notice of such application shall be for four successive weeks previous to presenting the same. Two of the Commissioners appointed to lay out such road shall be appointed by the Board of Supervisors, or Court of Sessions, as the case may be, and the other by the company. The Directors of such company shall not be less than three nor more than nine. The rates of toll shall be prescribed from year to year by the Board of Supervisors, or Court of Sessions, as the case may be. Such company shall not be compelled to keep an office, but may deposit their books with the County Clerk of one of the counties in or through which said road may run, open for inspection, as if in their own office. Such company shall complete their road within two years from the date of the filing of their articles of association.

General  
provisions  
relating  
to such  
companies.

364. SEC. 3. When any existing road or highway, or any portion thereof, shall be taken by such company as a portion of their own road, it shall not be lawful for said company to erect any gates on such portion, or to

Roads, etc.,  
appropriated  
under  
this Act.

demand or charge any tolls for the passing or repassing of property or persons over the same.

Revenue of  
roads and  
appropriation  
thereof

Reduction  
of toll.

365. SEC. 4. The entire revenue derived from such road shall be appropriated at first to the repayment to said company of the cost of said road, with twenty per cent per annum interest thereon, together with the incidental expenses incurred in collecting toll and keeping said road in repair. When such repayment has been made to said company, the toll shall be so reduced as to merely yield an income sufficient to keep said road in good repair and pay incidental expenses.

## ARTICLE VII.

### TOLL ROADS.

SECTION 366. When parties desire to construct a toll road; filing of certificate.

367. Notice; when route extends into other counties; commencement of work.

368. Change of route; when toll may be collected; penalty for excessive tolls; Supervisors to prescribe rates.

369. Right of way; complaint of taxpayers when rates too high.

370. Terms of maintenance of road.

371. When company desire to collect tolls.

372. When counties have right to purchase.

373. If right of way disputed.

374. Penalty for avoiding payment of toll; injuring toll road, etc.

375. Repeal.

The provisions of an Act in relation to plank and turnpike roads, approved May 12th, 1853, p. 169, are made applicable to the Act granting franchise for a turnpike road, approved March 20th, 1866, p. 323. For local Acts see the various counties.

An Act regulating the assessment and taxation of railroads and other roads, approved April 4th, 1864, was repealed by Act approved March 27th, 1868, p. 404.

*An Act to provide for the construction and maintenance of toll roads within the State of California.*

[Approved April 4, 1870, p. 883.]

[Enacting clause.]

366. SECTION 1. Any three or more persons desiring to construct and maintain a toll road within or through any one or more of the counties of this State, shall make, sign, and acknowledge, before some officer authorized to take the acknowledgment of deeds, a certificate, in which shall be stated:

When parties desire to construct a toll road.

First—That it is their desire and intention to construct and maintain a toll road.

Second—The name by which such toll road is to be known.

Third—The termini of such road, naming the county or counties within which the same is to be constructed, and describing generally the route thereof.

Fourth—The name of the company, the place where the office is to be located, the names of the persons who shall manage the affairs of the corporation for the first year, the amount of its capital stock and the number of shares into which the same is to be divided ; and

Fifth—A diagram shall be inserted in or attached to the certificate, and referred to as the route of the proposed road.

Upon filing such certificate with the County Clerk of the county where the office is to be located, and upon filing a certified copy thereof with the Secretary of State, the persons named in such certificate shall become a body corporate, with the right and authority to construct and maintain a toll road within the county or counties and upon the route in the certificate specified.

Filing of certificate.

Notice.

When  
route  
extends  
into other  
counties.Commence-  
ment of  
work.Change  
of route.When toll  
may be  
collected.

367. SEC. 2. From the time of the filing of the certificate aforesaid in the County Clerk's office, all persons shall be deemed to have notice of the contents thereof, and the right of the corporation to the route for a road, as shown by the diagram, shall become vested; *provided*, when such route extends into two or more counties, the filing of such certificate shall only operate as such notice in the county wherein the same is filed, but a certified copy thereof filed in the County Clerk's office of any other county included in such diagram, shall, from the date of filing thereof, operate as notice with the same force and effect as herein provided; *provided further*, the work of the construction of said road shall be commenced within thirty days from the time of the filing of the certificate, and shall be prosecuted with reasonable dispatch until completed, otherwise the filing and recording of the certificate shall cease to be notice to third persons.

368. SEC. 3. Upon complying with the provisions of this Act, the corporation shall have the right to maintain a toll road over the route and between the termini mentioned in the certificate; *provided*, it shall be lawful for such corporation to make divergence from the strict line of route prescribed in their certificate for more available ground, without forfeiting any right; and, *provided further*, said road may be constructed in sections or divisions, and rates of toll fixed upon such sections or divisions, and collected accordingly. Upon the completion of such road, or of sections thereof, the corporation shall be entitled to charge and collect tolls from all persons who may travel upon or use the same, at such rates as may be fixed; but all tolls shall be uniform and operate equally on the same class of animals, teams, and wagons, and shall be legibly painted, written, or printed on a bulletin board exposed to public view at each toll gate; and it shall not



be lawful for such corporation to commute tolls to any person or persons on more favorable terms than to any other person or persons. Any person, as toll gate keeper or otherwise, who shall demand or collect from any person or persons, as tolls, any higher rate than as prescribed, shall be fined not less than twenty-five dollars nor exceeding five hundred dollars; and if done by authority of the corporation, all right to collect tolls on such road shall be forfeited. The Board of Supervisors of the county in which any such toll road may hereafter be constructed, under authority of this Act, shall have the power and it shall be their duty to prescribe the rates of toll to be charged thereon; and when such road or sections thereof extends into two or more counties, the Board of Supervisors of each county shall fix the rates of toll for the portion of such road constructed within the county, if a toll gate be placed therein, and shall have the right from time to time, on complaint made, to change and regulate the same.

Penalty for excessive tolls.

Supervisors to prescribe rates.

369. Sec. 4. All corporations formed under the provisions of this Act shall have the right of way over all lands covered by their route, to the width of one hundred feet, for the purpose of constructing and maintaining their road, and shall have the right to place, at suitable places, toll gates and toll houses, and to collect toll thereon at such gates; *provided*, when ten persons over or through whose lands said road passes, and who are taxpayers of the county, by a statement in writing, signed by them, complain to the Board of Supervisors of the proper county that the tolls charged are too high, specifying the rates charged and the rate to which in their opinion the same should be reduced; when the Board of Supervisors, or if the tolls complained of extend into two or more counties, the several

Right of way.

Complaint of taxpayers when rates too high.

Boards of Supervisors of such counties, shall, after due consideration, by an order entered in their minutes of proceedings, proceed to fix the rates of toll to be charged and collected on such road at each toll gate within the county, should the Board deem any change in such rates proper or expedient.

Terms of  
mainte-  
nance of  
road.

370. SEC. 5. The right to maintain such toll road, when constructed, shall continue to exist in favor of the corporation or owners thereof, for a term of ten years; *provided*, when the cost of construction of such road has exceeded the sum of fifty thousand dollars, the term shall extend to twenty years; when the same shall have exceeded one hundred thousand dollars, the term shall extend to thirty years; when the same shall have exceeded one hundred and fifty thousand dollars, the term shall extend to forty years; and when the same shall have exceeded two hundred thousand dollars, the term shall extend to fifty years.

When  
company  
desire to  
collect tolls

371. SEC. 6. Whenever any company organized under this Act shall represent to the Board of Supervisors of any county or counties through or within which a toll road has been laid out for construction, that they have constructed the same, or any section or division thereof, and desire to commence charging and collecting tolls thereon, it shall be the duty of such Board of Supervisors to appoint one person, a resident taxpayer of the county, to act with one person of like qualifications selected by the company, and with one person of like qualifications selected by the two, to examine such road or such portion thereof upon which it is desired to collect tolls. If the persons so appointed and selected, or a majority of them, shall sign a certificate in writing, setting forth that the road or portion thereof examined by them has been completed, the corporation, from the time of filing such certificate in the Clerk's office of the proper county, shall have

the right to charge and collect tolls as in this Act provided. In case of the failure of any Board of Supervisors, after a request made in writing to the Chairman of such Board or Clerk thereof, within ten days, to make the appointment in this section provided, such corporation may proceed to charge and collect tolls the same as though the appointment had been made and the certificate herein provided for had been filed; *provided*, before charging and collecting tolls, the corporation shall first request the Board of Supervisors of the county to fix rates of toll, and if after such request, made in writing to the Chairman of the Board or Clerk thereof, such Board fail or neglect for ten days to fix rates of toll, the corporation or owners of the road may fix such rates, and charge and collect the same until fixed by such Board. Same.

372. SEC. 7. At any time after five years from the date of the completion of any toll road, constructed under the provisions of this Act, the county or counties within which the same has been constructed, shall have the right to purchase the same, and for that purpose three appraisers shall be appointed by the Board or Boards of Supervisors of such county or counties, and a like number may be selected by the owners of the road, and the persons so chosen shall select a seventh, who shall fix the value of said roads in gold coin, which sum, if paid or tendered to the owners of said road, or any officer or managing agent thereof, within three months from the time such value shall have been fixed, shall terminate the right of the corporation and all others to collect tolls on such road. When  
counties  
have right  
to purchase

373. SEC. 8. If the right of way to construct any road, authorized by the provisions of this Act, over the lands of individuals, cannot be had by mutual agreement, the corporation desiring such right of way may acquire the same under and by virtue of the pro- If right  
of way  
disputed.

visions of the Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory of and supplementary thereto, and all the provisions of said Act and Acts are hereby made applicable to the provisions of this Act, so far as the same may be made to apply to the objects and purposes thereof.

Penalty for  
avoiding  
payment  
of toll.

Injuring  
toll road,  
etc.

374. SEC. 9. If any person or persons, traveling upon any toll road constructed under the provisions of this Act, shall attempt to run by, or actually run by, or go around, any toll gate established thereon, with intent to avoid the payment of toll, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall, for each offense, be punished by fine in any sum not exceeding fifty dollars; and any person or persons, who shall willfully injure any such toll road, or any toll gate or toll house thereto attached or belonging, shall be deemed guilty of a misdemeanor, and on conviction, as aforesaid, be punished for each offense by fine in any sum not exceeding five hundred dollars; and all persons traveling on or using any such road, and becoming subject to the payment of toll therefor, shall be liable to a civil action, by attachment, process, or otherwise, in favor of the corporation or owner of such road, for such tolls.

Repeal.

375. SEC. 10. All Acts and parts of Acts, so far only as they may conflict with the provisions of this Act, are hereby repealed.

ARTICLE VIII.

MANUFACTURING, MINING, MERCANTILE, WHARFING, TRADE BUSINESS, MECHANICAL, AND COMMERCIAL CORPORATIONS, ETC.

SECTION 376. Corporations for manufacturing, mining, etc.

- 377. Certificate of incorporation.
- 378. Copies of certificate to be evidence.
- 379. Corporate powers under the Act.
- 380. Board of Trustees; vacancies.
- 381. Elections.
- 382. Majority of Trustees to form a quorum.
- 383. Meetings.
- 384. Capital stock and mode of transfer.
- 385. Powers of Trustees; proviso.
- 386. Trustees to represent stock.
- 387. Hypothecated stock.
- 388. Restrictions upon powers of Trustees.
- 389. Liabilities not to exceed capital stock.
- 390. Corporations not to issue bills of credit.
- 391. Liability of stockholders.
- 392. Stock held by Trustees or in pledge.
- 393. Books of corporation.
- 394. Penalty for false entry, etc.
- 395. Capital stock may be increased or diminished.
- 396. Mode of proceeding.
- 397. Certificate of proceedings.
- 398. Dissolution of corporations under this Act.
- 399. Mode of proceeding.
- 400. Fifth Chapter of former Act repealed.
- 401. Corporations formed under previous Act may continue under this Act.
- 402. Corporations under this Act not subject to Act of 1850.
- 403. Books of ditching and mining companies, etc.
- 404. Penalty for false entries, etc.
- 405. Legalizing certain corporations.
- 406. Tampering with service pipes.
- 407. Injuring meters.
- 408. Formation of corporations.
- 409. Sections apply.
- 410. Trustees.
- 411. Limitations.
- 412. Certificates.
- 413. Report of Trustees at annual meetings.
- 414. Written reports, when.
- 415. Failure to make reports.
- 416. If formed under this Act, to state.
- 417. Corporations may be formed.

SECTION 418. Restriction; exception.

419. Objects of corporation.

420. Investment of funds.

421. Made applicable.

422. Associations of workingmen.

The first Act pertaining to this subject was "Chapter V—Companies for manufacturing, mining, mechanical, or chemical purposes"—of the Corporation Law of 1850, p. 347, which was repealed by Section 25 of the succeeding Act.

*An Act to provide for the formation of corporations for certain purposes.*

[Approved April 14, 1853, p. 87.]

[Enacting clause.]

Corporations for manufacturing, mining, etc.

376. SECTION 1. Corporations for manufacturing, mining, mechanical, mercantile, wharfing, and docking, or chemical purposes, or for the purpose of engaging in any other species of trade, business, or commerce, foreign or domestic, may be formed according to the provisions of this Act; such corporations, and the members thereof, being subject to all the conditions and liabilities herein imposed, and to none others. (Amendment approved March 5th, 1864; Stats. 1863-4, p. 149, repealed all Acts and parts of Acts inconsistent therewith.)

Certificate of incorporation.

377. SEC. 2. Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof, under the hand of the Clerk, and seal of the County Court of said county, in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the objects for which the company shall be formed,

the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of Trustees, and their names, who shall manage the concerns of the company for the first three months, and the names of the city, or town, and county, in which the principal place of business of the company is to be located. (Amendment approved March 7th, 1859, p. 93.)

378. SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all Courts and places as presumptive evidence of the facts therein stated.

Copies of  
certificate  
to be  
evidence.

379. SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in the certificate, and by their corporate name have succession for the period limited, and power:

Corporate  
powers  
under  
the Act.

First—To sue and be sued in any Court.

Second—To make and use a common seal, and alter the same at pleasure.

Third—To purchase, hold, sell, and convey such real and personal estate as the purposes of the corporation shall require.

Fourth—To appoint such officers, agents, and servants as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation.

Fifth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no Trustee shall be removed from office unless by a vote of two thirds

of the whole number of Trustees, or by a vote of a majority of the Trustees, upon a written request, signed by stockholders of two thirds of the whole stock.

Sixth—To make by-laws not inconsistent with the laws of this State for the organization of the company, the management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

Board of  
Trustees.

Vacancies.

Elections.

380. SEC. 5. The corporate powers of the corporation shall be exercised by a Board of not less than three Trustees, who shall be stockholders in the company, and a majority of them citizens of the United States and residents of this State, and who shall, after the expiration of the term of the Trustees first selected, be annually elected by the stockholders at such time and place, and upon such notice and in such mode as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he owns shares of stock; and the persons receiving the greatest number of votes shall be Trustees. When any vacancy shall happen among the Trustees by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

381. SEC. 6. If it should happen, at any time, that an election of Trustees shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for Trustees, in such manner as shall be provided for by the by-laws of the company; and all acts of the



Trustees shall be valid and binding upon the company until their successors shall be elected.

382. SEC. 7. A majority of the whole number of Trustees shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, shall be valid as a corporate act.

Majority of Trustees to form a quorum.

383. SEC. 8. The first meeting of the Trustees shall be called by a notice, signed by one or more of the persons named Trustees in the certificate, setting forth the time and place of the meeting, which notice shall be either delivered personally to each Trustee, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto.

Meetings.

384. SEC. 9. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid, except between the parties thereto, until the same shall have been so entered on the books of the company, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer.

Capital stock and mode of transfer.

385. SEC. 10. The Trustees shall have power to call in and demand from the stockholders the sums by them subscribed, at such times and in such payments or installments as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week for at least four weeks, in some newspaper published at the place designated as the principal place of business of the corporation; or if none is published there, in some

Powers of Trustees.

newspaper nearest to such place. If, after such notice has been given, any stockholder shall make default in the payment of the assessments upon the shares held by him, so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; *provided*, that no sale shall be made except at public auction to the highest bidder, after a notice of thirty days, published as above directed in this section; and that at such sale the person who will agree to pay the assessment so due, together with the expenses of advertisement and the other expenses of sale, for the smallest number of whole shares, shall be deemed the highest bidder.

Proviso.

Trustees to represent stock.

386. SEC. 11. Whenever any stock is held by any person as executor, administrator, guardian, or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder.

Hypothecated stock.

387. SEC. 12. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may nevertheless represent the same at all meetings and vote accordingly as a stockholder.

Restrictions upon powers of Trustees.

388. SEC. 13. It shall not be lawful for the Trustees to make any dividend except from the surplus profits arising from the business of the corporation; nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company; nor to reduce the capital stock unless in the manner prescribed in this Act; and in case of any violation of the provisions of this section the Trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Trustees at the time

*or* where not present when the same did happen, shall, *in* their individual and private capacities, be jointly and severally liable to the corporation and the creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out, or reduced; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain after the payment of all its debts, upon the dissolution of the corporation or the expiration of its charter.

389. SEC. 14. The total amount of the debts of the corporation shall not at any time exceed the amount of the capital stock actually paid in; and in case of any excess, the Trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Trustees at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, be liable jointly and severally to the said corporation, and in the event of its dissolution, to any of the creditors thereof, for the full amount of such excess.

Liabilities  
not to  
exceed  
capital  
stock.

390. SEC. 15. No corporation organized under this Act shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidences of debt, for circulation as money.

Corpora-  
tions not to  
issue bills  
of credit.

391. SEC. 16. Each stockholder shall be individually and personally liable for his proportion of all the debts and liabilities of the company contracted or incurred during the time that he was a stockholder, for the recovery of which joint or several actions may be instituted and prosecuted. In any such action, whether joint or several, it shall be competent for the defendant or defendants, or any or either of them, on

Liability  
of stock-  
holders.

the trial of the same, to offer evidence of the payment by him or them, or any or either of them, of any debts or liabilities of such corporations; and upon proof of such payment, the same shall be taken into account and credited to the party or parties making such payment; and judgment shall not be rendered against the party or parties defendant proving such payment for a sum exceeding the amount of his or their proportion of the debts and liabilities of such incorporations, after deducting therefrom the sums proven to have been paid by him, them, or any or either of them, on account thereof. (Amendment approved April 27th, 1863, p. 736; took effect from passage.)

Stock held  
by Trustees  
or in pledge

392. SEC. 17. No person holding stock as executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of the executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the Trust Fund would have been, if he had been living and competent to act and hold the stock in his own name.

Books of  
corporation.

393. SEC. 18. It shall be the duty of the Trustees of every company incorporated under this Act, to cause a book to be kept, containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; which book, during the usual business hours of the day, on every day except Sunday and the fourth of July, shall be open for the

inspection of stockholders and creditors of the company, at the office or principal place of business of the company; and any stockholder or creditor shall have the right to make extracts from such book, or to demand and receive from the clerk or other officer having charge of such book, a certified copy of any entry made therein; such book or certified copy of any entry shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company or against only one or more stockholders.

394. SEC. 19. If the clerk or other officer having charge of such book, shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of an entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of one hundred dollars, and all damages resulting therefrom; and for neglecting to keep such book for inspection, as aforesaid, the corporation shall forfeit to the people the sum of one hundred dollars for every day it shall so neglect, to be sued for and recovered, in the name of the people, by the District Attorney of the county in which the principal place of business of the corporation is located.

Penalty for  
false entry.  
etc.

395. SEC. 20. Any company incorporated under this Act, may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such

Capital  
stock  
may be  
increased  
or dimin-  
ished.

amount shall be satisfied and reduced, so as not to exceed the diminished amount of capital.

Mode of  
proceeding.

396. SEC. 21. Whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders may be called by a notice signed by at least a majority of the Trustees, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located; which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Certificate  
of proceed-  
ings.

397. SEC. 22. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Trustees, and filed, as required by the second section of this Act; and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

Dissolution  
of corpora-  
tions under  
this Act.

398. SEC. 23. Upon the dissolution of any corporation formed under this Act, the Trustees at the time of the dissolution shall be Trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by

the name of Trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

399. SEC. 24. Any corporation formed under this Act may dissolve and disincorporate itself by presenting to the County Judge of the county in which the meetings of the Trustees are usually held, a petition to that effect, accompanied by a certificate of its proper officers, and setting forth that, at a general or special meeting of the stockholders called for that purpose, it was decided by a vote of two thirds of all the stockholders to disincorporate and dissolve the corporation. Notice of the application shall then be given by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county once a week for four weeks, or if no newspaper is published in the county, by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or at any other to which may be postponed by the Judge, he shall proceed to consider the application, and, if satisfied that the corporation has taken the necessary preliminary steps and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved. Mode of proceeding.

400. SEC. 25. The fifth Chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, is repealed; but this repeal shall not be construed to destroy the existence of any company already formed under the provisions of said Chapter, nor to affect any right acquired or liability incurred under the same; but as to all such Fifth Chapter of former Act repealed.

companies, the provisions of said Chapter shall continue in full force, except in those instances in which any company heretofore incorporated may avail itself of the provisions of the next section of this Act.

Corporations formed under previous Act may continue under this Act.

401. SEC. 26. Any company incorporated under the said fifth Chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, may continue its corporate existence under this Act by adopting a resolution to that effect by a vote of two thirds of all the stockholders, and filing a certificate thereof, signed by its proper officers, in the office of the Secretary of State and of the County Clerk of the county in which is located the principal place of business of the corporation. From the time of filing the certificate, the corporation shall be subject only to the provisions of this Act, but the change so made shall not affect any right acquired or liability incurred previously by the corporation.

Corporations under this Act not subject to Act of 1850.

402. SEC. 27. Corporations formed under this Act, and the members thereof, shall not be subject to the conditions and liabilities contained in an Act entitled "An Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty.

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*An Act supplementary to the foregoing Act.*

[Approved March 27, 1857, p. 121.]

[Enacting clause.]

Books of ditching and mining companies, etc.

403. SECTION 1. It shall be the duty of the Trustees of every company incorporated under this Act for the purpose of ditching, mining, or conveying water for mining purposes, to cause a book to be kept containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number and designation



of shares of stock held by them respectively, and the Same. time when they respectively became the owners of such shares; also a book or books, in which shall be entered at length, in a plain and simple manner, all by-laws, orders, and resolutions of the company and Board of Trustees, and the manner and time of their adoption; which books, during the business hours of the day, Sundays and fourth of July excepted, shall be open for the inspection of stockholders and the creditors of the company, each individual stockholder, and their duly authorized agents and attorneys, at the office or principal place of business of the company; *provided*, that the office and books of every such company shall be kept, and the books of such company shall be open, as aforesaid, in the county in which their business is transacted, and every stockholder or creditor, as aforesaid, or their agents or attorneys, shall have the right to make extracts from such books, or upon payment of reasonable Clerk's fees therefor, to demand and receive from the Clerk, or other officer having the charge of such books, a certified copy of any entry made therein; such book or certified copy of any entry shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company, or any one or more stockholders.

404. SEC. 2. If the Clerk, or other officer having charge of such books, shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of two hundred and Penalty for false entries, etc. dollars, and all damages resulting therefrom, to

Same,

be recovered in any Court of competent jurisdiction in this State; and for neglect to keep such books for inspection, and at the place provided for in the last section, the corporation shall forfeit to the people of the State of California the sum of two hundred and one dollars for every day they shall so neglect, to be sued for and recovered before any Court of competent jurisdiction in the county in which the principal business of such company is transacted; and it shall be the duty of the District Attorney, within and for such county, to prosecute such action, in the name of, and for the benefit of, the people of the State of California. And it is further provided, that in case any such incorporated company shall refuse or neglect, for the space of one full year after the passage of this Act, to comply with the provisions of this and the preceding section, then, upon the showing of such facts by petition of any person aggrieved thereby, and due proof thereof, before the County Judge of the county in which such company's principal business is transacted, after such company shall have been duly notified thereof, by summons, to be issued by said Judge, citing such company to appear before such Judge, at a time and place therein mentioned, which shall not be less than ten nor more than thirty days from the date of such summons, such company shall, by such Judge, be declared and decreed to be disincorporated so far as to deprive said company of all the privileges of this Act, but in no manner to affect the remedy of all persons against such company, to be exercised as this Act provides; *provided*, that nothing contained in the provisions of this section concerning the disincorporating of such companies shall be so construed as to prevent the enforcement of the other remedies in this section mentioned, at any time after the passage of this Act, except as herein provided.

*An Act amendatory and supplemental to an Act entitled "An Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three."*

[Approved March 7, 1859, p. 93.]

[Enacting clause.]

[Section 1 contains the amendment to Sec. 2 of the Act of 1853, therein inserted.]

405. SEC. 2. All corporations heretofore formed under the provisions of the Act of which this is amendatory, who have filed a certified copy of the certificate in writing, required to be executed in the first section of this Act, in the office of the Secretary of State, shall, to all intents and purposes, be as legally incorporated as though a duplicate thereof had been filed in the office of the said Secretary of State; and all acts heretofore done by such companies, under their corporate name, in conformity to the laws governing corporations in this State, are hereby made lawful acts.

Legalizing  
certain cor-  
porations.

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*An Act for the protection of gas light companies.*

[Approved April 18, 1859, p. 309.]

[Enacting clause.]

406. SECTION 1. Any person who, with intent to injure or defraud any gas company, body corporate, or individual, shall make, or cause to be made, any pipes, tube, or other instrument or continuance, or connect the same, or cause it to be connected with any main service pipe or other pipe for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice, by or at which illuminating gas is consumed around or without passing through the meter

Tampering  
with  
service  
pipes.

provided for the measuring and registering the quantity of gas there consumed, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months, and by fine not exceeding two hundred and fifty dollars.

Injuring  
meters.

407. SEC. 2. Any person who, with intent to injure or defraud any gas company, body corporate, or individual, shall willfully injure, alter, or obstruct, or prevent the action of any meter provided for the measuring and registering the quantity of illuminating gas consumed, by or at any burner or orifice or place, or cause or procure any such meter to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months, and by fine not exceeding two hundred and fifty dollars.

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[The provisions of an Act concerning partnerships for mining purposes apply to all persons who have refused or neglected to sign articles of incorporation in any incorporated mining company, by Act approved April 2, 1866, p. 828.]

*An Act to provide for the formation of corporations for certain purposes.*

[Approved April 4, 1870, p. 822.]

[Enacting clause.]

Formation  
of corpora-  
tions.

408. SECTION 1. Corporations for any trading, manufacturing, mechanical, or other lawful business or purpose, may be formed under the provisions of this Act; such corporations and its members to be subject to the duties, conditions, and liabilities herein imposed, and no others.

Sections  
apply.

409. SEC. 2. The provisions of sections two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,

nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-seven, of an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and of all Acts amendatory of or supplementary to said sections, shall apply to corporations formed under this Act.

410. SEC. 3. The corporate powers of the corporation shall be exercised by a Board of not less than three Trustees, who shall be stockholders in the company, and a majority of them citizens of the United States, and residents of this State, and who shall, after the expiration of the term of the Trustees first selected, be annually elected by the stockholders, at such time and place, and upon such notice, and in such mode, as shall be directed by the by-laws of the company; but such election shall be by ballot, either in person or by proxy, and the persons receiving the greatest number of votes shall be Trustees. Vacancies among the Trustees, by death, resignation, or otherwise, shall be filled for the remainder of the year in such manner as the by-laws prescribe, and the by-laws shall be made or altered or amended by the stockholders at their annual meeting, or at such other meeting of the stockholders as may be provided for in a by-law made for this particular purpose. Trustees.

411. SEC. 4. No member of such corporation shall be entitled to hold or claim any interest therein exceeding the sum of two thousand dollars, nor shall any member, upon any subject, be entitled to more than one vote. Limitations.

412. SEC. 5. No certificate of shares shall be issued to any person until the full amount thereof shall have been paid in cash; no person shall be allowed to become a stockholder, except by the consent of the Certificates.

Board of Trustees, entered in the minutes of their proceedings.

Report of  
Trustees  
at annual  
meetings.

413. SEC. 6. At the annual meeting of the stockholders in each year, the Board of Trustees shall present a report of the condition of the corporation, containing the amount of the capital stock, the par value of the shares, the number of shares issued, the names and residence of the stockholders, and the number of shares owned by each; the kind and amount of the property held by the corporation, its liabilities, and the receipts and expenditures during the preceding year; which report shall be signed and sworn to by the President and Secretary of the corporation, and filed in the office of the County Clerk of the county in which the principal place of business of the corporation is located, and a copy thereof, certified by said Clerk, shall be filed in the office of the Secretary of State.

Written  
reports,  
when.

414. SEC. 7. The Board of Trustees shall also, when required in writing by one third of the stockholders, make out written reports of the exact situation and business of the corporation.

Failure  
to make  
reports.

415. SEC. 8. For failure to make the reports required in the two preceding sections, the corporation shall be subject to a penalty of five hundred dollars, and an additional five hundred dollars for every month that such corporation shall thereafter continue to transact business.

If formed  
under this  
Act, to  
state.

416. SEC. 9. The certificate of incorporation shall substantially state, in addition to the other requirements of the law, that the corporation is formed under this Act; otherwise, the corporation shall not be deemed to be formed under this Act.

SEC. 10. This Act shall be in force immediately after its passage.

*An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture, and mining.*

[Approved March 31, 1870, p. 523.]

[Enacting clause.]

417. SECTION 1. Corporations for the purpose of aggregating the funds and savings of the members thereof and others, and preserving and investing the same for their common benefit, so as to directly promote the establishment and increase of manufacturing and mechanical industry, mining, and agriculture in the State of California, may be formed according to the provisions of this Act; and such corporations, and the members and stockholders thereof, shall be subject to all the conditions and liabilities herein imposed, and none other. Corporations may be formed.

418. SEC. 2. No corporation formed under this Act shall loan any money without adequate security on real or personal property, except when any such corporation shall, by a by-law to that effect, adopted by a two thirds vote of all the stock of the company subscribed and taken, authorize the making of loans to persons of reputed solvency and good character, and of suitable business capacity, or to coöperative associations or corporations, for the purpose of aiding the establishment or development of mechanical, agricultural, mining, and manufacturing enterprises in the State of California, when so ordered by a vote of not less than three fourths of all the Directors thereof; Restriction  
*provided*, that this exception shall apply only to corporations having a capital stock or reserved fund, or both capital stock and reserved fund, paid in, of not less than fifty thousand dollars; and no deposits shall be loaned or invested for a period exceeding five years. Exception.

Objects  
of corpo-  
ration.

419. SEC. 3. Such corporations may be formed for the purpose of aiding the establishment or development of any one class of mining, agricultural, mechanical, or manufacturing enterprise, or all enterprises of that character generally, which object or objects shall be distinctly specified in the articles of incorporation thereof. If, in said certificate, the object of such corporation is stated generally, the powers and duties of the Trustees in making loans, and the selection of objects to be aided thereby, may be specified in the by-laws, which discretion of said Trustees may be enlarged or diminished, from time to time, by amendments of the by-laws, duly adopted, or by resolution of the stockholders, as the interests of the corporation may require.

Investment  
of funds.

420. SEC. 4. In the investment of the funds and deposits of such corporations, and in loaning the same, preference shall always be given by the Trustees:

First—To applicants for amounts of loan not exceeding five thousand dollars, upon adequate security, consisting of real estate, improvements thereon, machinery, mechanical implements, raw material, and stock in trade, the same to be used in such a manner as to afford employment to artisans, mechanics, and laborers, in one or more of the industries which said corporation is designed to promote.

Second—To loans of larger amount for similar objects, not in any one case exceeding ten per cent of the entire capital stock paid in and reserved fund of such corporation.

Third—In default of applications for loans of the classes above specified, accompanied by the offer of adequate security, the Trustees of such corporation may loan the funds and deposits thereof upon unincumbered real estate, for the purpose of aiding the erection of buildings thereon, or the repair or enlarge-



ment of buildings already existing thereon, as the by-laws of such corporation may direct. Same.

**Fourth**—In default of applications for loans for the purposes aforesaid, accompanied with the offer of adequate security, loans of the funds and deposits of such corporations may be made upon improved or unimproved real estate, for the purpose of aiding the reclamation, cultivation, and improvement thereof by the planting of timber and otherwise.

**Fifth**—In default of applications for loans of the classes above named, accompanied by the offer of adequate security, the funds and deposits of such corporations may be loaned upon the security of unincumbered productive real estate, upon which no labor is required to be performed, but not otherwise.

**421. SEC. 5.** All the provisions of an Act to provide for the formation of corporations for the accumulation and the investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, and the various Acts amendatory thereof and supplemental thereto, so far as they are not in conflict with the provisions of this Act, are made applicable to corporations formed under the provisions of this Act. Made applicable.

**422. SEC. 6.** Voluntary or incorporated associations of mechanics or working men may, in accordance with the provisions of their respective by-laws, invest a portion or the whole of their funds in the capital stock of corporations formed under this Act; and the shares of stock so taken shall be entitled to representation at all meetings of the stockholders, and be voted upon by the officer or officers of such voluntary or incorporated associations who may be duly authorized to cast the vote therefor; and said certificates of stock may be sold, assigned, or transferred by the par- Associations of working men.

ties thereunto duly authorized, in the same manner as other stock of said corporations formed under the provisions of this Act. (This Act to take effect immediately, by Act of April 4th, 1870, p. 724.)

All the provisions of the above Act, approved April 11th, 1862, and the various Acts amendatory thereof and supplementary thereto, are made applicable to corporations formed under the provisions of the following Act.

### ARTICLE IX.

#### CHAMBERS OF COMMERCE, BOARDS OF TRADE, AND MECHANICS' INSTITUTES.

SECTION 423. Corporations may be formed.

424. Certificate of incorporation.

425. Certified copy to be evidence.

426. Rights and powers of corporation.

427. Stock and certificates.

428. Trustees.

429. May hold real estate; limitation.

430. By-laws.

431. Same.

432. Power to levy assessments.

433. Existing corporations may take benefit of this Act.

434. Corporations formed under this Act exempted from operation of other laws inconsistent with this Act.

*An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations.*

[Approved March 31, 1866, p. 469.]

[Enacting clause.]

Corpora-  
tions may  
be formed.

423. SECTION 1. That corporations for the formation and organization of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other associations for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts and sciences, may be formed and organized according to the provisions of this Act, and such corporations, and the members

thereof, shall be subject to the liabilities herein imposed, and to none other.

**424. SEC. 2.** Any twenty or more persons who may desire to form a corporation for either of the purposes specified in the preceding section, shall make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the corporation, the object for which the corporation shall be formed, the time of its existence (not to exceed fifty years), and the name of the city or town, and county, in which the principal place of business of the corporation is to be located.

Certificate  
of incorpo-  
ration.

**425. SEC. 3.** A copy of any certificate of incorporation filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all Courts, actions, proceedings, and places, as presumptive evidence of the facts therein stated.

Certified  
copy to be  
evidence.

**426. SEC. 4.** When the certificate provided for in section two of this Act shall have been filed as therein provided, the persons who shall have signed and acknowledged the same, and such persons as shall thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name have succession for the period limited, and power:

Rights  
and powers  
of corpora-  
tion.

**First**—To sue and be sued in any Court.

**Second**—To make and use a common seal, and to alter the same at pleasure. •

**Third**—To lease, purchase, hold, sell, mortgage,

convey in trust, convey, release from trust or mortgage, such real or personal estate as hereinafter provided in this Act.

Fourth—To elect or appoint such officers, agents, and servants as the business of the corporation shall require.

Fifth—To make by-laws, not inconsistent with the laws of this State, providing for the organization of the corporation and the management of its affairs.

Stock and  
certificates.

427. SEC. 5. Corporations formed under this Act may have a capital stock, and may issue certificates to represent shares of such capital stock; *provided*, that the certificate directed in the second section of this Act to be executed and filed shall contain a statement of the amount of such capital stock and the number of shares into which it is divided; and, *provided further*, that the rights and privileges to be accorded to stockholders, as distinct from those to be accorded to members at large of the corporation, and the obligations to be imposed upon stockholders in the same relation, shall be fixed and established in the by-laws of each of such corporations.

Trustees.

428. SEC. 6. Corporations formed under this Act may confer upon a Board of Trustees or Directors, or upon a body to be styled the Executive Committee of the corporation, the right to exercise all or any portion of the corporate powers of the corporation; *provided*, that the certificate directed by the second section of this Act, to be executed and filed in those cases in which the right to exercise the corporate powers is confined to a Board of Trustees or Directors, or to a body to be styled the Executive Committee of the corporation, shall state the fact, and also whether the right is limited or otherwise; and in such corporations the said certificate shall also state the number of such Trustees or Directors, or Committee, and the names of

Those who shall have been selected to manage the affairs of the corporations for the first six months.

429. SEC. 7. Corporations formed under the provisions of this Act shall be capable in law to lease, purchase, have, hold, use, take possession, and enjoy, in fee simple or otherwise, any personal or real estate within this State necessary for the uses and purposes of such corporation, and the same to sell, deed in trust, alien, and dispose of at their pleasure. All real estate owned by the corporation shall be held in the name of the same, and all conveyances made by such corporations shall be signed by the President and Secretary, and attested by the corporate seal; *provided*, that the real estate owned by any corporation under this Act shall not exceed in value three hundred and fifty thousand dollars; and, *provided further*, that no corporation formed under this Act shall engage in any mercantile, commercial, or mechanical business. (Amendment approved January 14th, 1868, p. 5; took effect from passage.)

May hold real estate.

Limitation.

430. SEC. 8. The by-laws of all corporations formed under the provisions of this Act, without capital stock, shall prescribe how members of the corporation shall be admitted, and how expelled, and how officers, agents, and servants shall be elected or appointed; and such provisions in the by-laws of any such corporation shall have full force and effect as between private parties and said corporation.

By-laws.

431. SEC. 9. Corporations formed under the provisions of this Act shall determine by their by-laws the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the manner of levying and collecting assessments, the officers of the same, and the manner of their election or appointment, and their tenure of office; and may

Same.

prescribe suitable penalties for the violation of their by-laws, not exceeding in any case one hundred dollars for any one offense.

Power to  
levy assess-  
ments.

432. SEC. 10. Corporations formed under the provisions of this Act, having no Board of Trustees, or Directors, or Executive Committee, shall have power to levy and collect from the members thereof, for the purpose of paying the proper and legal expenses of such corporation, assessments in the manner which may be prescribed by the by-laws of such corporation, and not otherwise.

Existing  
corpo-  
rations  
may take  
benefit of  
this Act.

433. SEC. 11. Any existing corporation, association, or institution formed for either of the purposes contemplated by this Act, may, by a vote of a majority of the members voting at a meeting called specially for the purpose, become entitled to the benefit of this Act on filing the certificate required by this Act; *provided*, a notice of the meeting and its object shall be published in a paper of general circulation in the county in which the principal place of business of such corporation, association, or institution is located, for at least ten days previous to the day on which such meeting is to be held; and, *provided further*, that the certificate herein provided to be filed shall be signed and acknowledged by at least five of the members of such corporation, association, or institution, and contain a list of the members who desire to become members of the corporation. And upon the filing of such certificate as provided by this Act, the persons signing and acknowledging the same, and those named therein, and such persons as shall thereafter become their associates or successors, shall be a body politic and corporate, with all the powers and privileges conferred by this Act, and shall thereupon succeed and become entitled to all the rights, franchises, and property of such corporation, association, or institution.

## CORPORATIONS.

434. SEC. 12. This Act shall be in force from and after its passage; and all corporations formed under it hereby exempted from the operation of all laws and parts of laws inconsistent with its provisions.

Corporations formed under this Act exempt from operation of other laws inconsistent with this Act

## ARTICLE X.

### WATER COMPANIES.

SECTION 435. Former Act applicable to water companies.

436. Powers of company.

437. Supply of cities; rates of charges.

438. Application of former Acts.

439. Powers as to land and waters.

440. Privileges.

441. Duties; rates by Commissioners.

442. Use of streets, roads, etc.

443. Reincorporation of corporations heretofore formed.

444. Connecting with water pipes, etc.

445. Tampering with water meters.

446. Opening stop-cocks or faucets.

*An Act to provide for the incorporation of water companies.*

[Approved May 3, 1852, p. 171.]

[Enacting clause.]

435. SECTION 1. The provisions of Chapters I and V of the Act entitled "An Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty, shall extend to and apply to all associations already formed, or hereafter to be formed, under said Act, for the purpose of supplying any cities or towns in this State, or the inhabitants thereof, with pure and fresh water.

Former Act applicable to water companies

436. SEC. 2. Any company incorporated for the purposes specified in the preceding section shall have the right to purchase or take possession of, and use, and hold, such lands and waters as may be required for the purposes of the company, lying without the

Powers of water companies

limits of the city, intended to be supplied with water, upon making compensation therefor. The mode of proceeding to obtain possession of such lands for the use of the company, in cases where the parties cannot agree upon a purchase for the use of the company, shall be the same as prescribed in sections seventeen and eighteen of "An Act to provide for the incorporation of railroad companies," passed April twenty-eighth, one thousand eight hundred and fifty-one.

Supply of  
cities.

437. SEC. 3. This Act shall not give to any company a right to supply any city with water, unless it shall be previously authorized by an ordinance, or unless it be done in conformity with a contract entered into between the city and the company. Any contracts hereafter so made shall be valid and binding in law, but shall not take from the city the right to regulate the rates for water, nor shall any exclusive right be granted by contract, or otherwise, for a term exceeding twenty years.

Rates of  
charge.

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*An Act for the incorporation of water companies.*

[Approved April 22, 1858, p. 218.]

[Enacting clause.]

Applica-  
tion of  
former  
Acts.

438. SECTION 1. The provisions of an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and the provisions of an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and passed on the thirtieth (30th) day of April, one thousand eight hundred and fifty-five, shall extend to and apply to all corporations already formed, or hereafter to be



formed, under said Acts, for the purpose of supplying any city and county, or any cities or towns, in this State, or the inhabitants thereof, with pure fresh water.

439. SEC. 2. Any company, incorporated for the purposes specified in the preceding section, shall have the right to purchase, or appropriate and take possession of, and use and hold, all such lands and waters as may be required for the purposes of the company, upon making compensation therefor. The mode of proceeding to appropriate and take possession of such lands and waters, when the parties cannot agree upon a purchase thereof, shall be the same as prescribed in sections twenty-seven, twenty-eight, and twenty-nine of an Act to provide for the incorporating of railroad companies, passed April twenty-second, eighteen hundred and fifty-three, except that such proceedings shall be had before the County Judge of the county in which such lands or waters, or both, may be situated. But when the County Judge shall be a party interested, then the same proceedings shall be had before the District Judge of the district where the lands or waters are situated; *provided*, that all canals, reservoirs, ditches, pipes, aqueducts, and all conduits, heretofore built or that hereafter may be constructed by any corporation formed under this Act, or claiming the privileges, rights, or immunities herein granted, or any of them, shall be used exclusively for the purpose of supplying any city or county, or any cities or towns in this State, or the inhabitants thereof, with pure fresh water. (Amendment approved April 24th, 1861, p. 28.)

Powers as  
to land and  
waters.

The Act of April 22, 1853, to provide for the incorporation of railroad companies, referred to in this section, was repealed by Act of May 20, 1861, p. 607; but that repeal did not affect the adoption in the text of sections 27, 28, and 29, which are as follows:

SEC. 27. Every such corporation shall have the power:

First—To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purpose, by their officers, agents, and servants, to enter upon lands or waters of any person or persons, subject to responsibility for all damage which they shall do thereto.

Second—To receive, hold, take, and convey such voluntary donations of real estate and other property as shall be made to aid and encourage the construction of said road.

Third—To purchase, and by voluntary grants and donations, receive and take, and by its officers, engineers, surveyors, and agents, enter upon and take possession of, and hold and use in any manner they may deem proper, the same as a natural person might or could do, all such lands and real estate and other property as the Directors may deem necessary for the construction and maintenance of said road, and for the stations, depots, and other accommodations and purposes deemed necessary to accomplish the objects of the company.

Fourth—To lay out its road or roads, not exceeding nine rods wide, and to construct and maintain the same with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, and for the purpose of cutting embankments and procuring timber, stone, and gravel, may take as much more land as may be necessary for the purposes aforesaid, in the manner hereinafter provided for the proper construction and security of the road.

Fifth—To construct their road across, along, or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, or highway, or across any railway, canal, ditch, or flume, which the route of its road shall intersect, cross, or run along, but the corporation shall restore the stream or watercourse, road or highway, railroad, canal, ditch, or flume that intersected, to its former state, as near as practicable, so as not to impede its usefulness; providing, that when such railroad company shall be about to change any stream of water from its natural or artificial channel, any person who shall be injured by such change, shall serve a notice, in writing, on the President or Secretary of such company, and post up a copy of such notice at the point where the water is to be turned, which shall serve as a notice upon the contractor or contractors of said company; whereupon, such company shall proceed to ascertain the amount of such damage in the following manner: The company shall choose one referee, and the party another, and if they do not agree, the two shall choose a third; said referees shall have the same powers as Commissioners provided for by section twenty-eight of the "Act April twenty-second, eighteen hundred and fifty-three." The award shall be final and conclusive upon the parties. When the award of the referees shall be against the railroad company, such company shall pay, or secure to be paid, such amount within thirty days after such amount is so found, and said company notified of the finding of said referees.

Sixth—It shall not be lawful for any person or persons to dig, excavate, or remove earth or other material from, or to lay out any mining or other claim upon lands taken, owned, required, or located upon by any railroad company formed under this Act, who may have complied with the provisions of the laws of this State in relation to the incorporation of railroad companies, and the provisions of this Act in relation to filing their location with the Secretary of State, without permission of said company, under penalty of being prosecuted for a misdemeanor, and forfeiting to said corporation treble the amount of damages sustained thereby, besides a fine of five hundred dollars, or imprisonment in the County Jail not exceeding six months, or both such fine and imprisonment, in the discretion of the Court; but if by reason of such unlawful digging away of earth, any accident should happen to life or limb of any person riding in the cars upon said "railroad," then such person or persons shall be guilty of felony, and upon conviction thereof shall be imprisoned in the Penitentiary for any term not less than three nor more than ten years; but the provisions of this subdivision shall not extend to any property or possessions of any railroad company beyond the track of the road or the nine rods in width occupied by the same; nor shall anything in this section be so construed as to authorize the company, or any member thereof, to excavate for mining purposes, or to sell or to lay out any mining claim along said railroad track, or within the nine rods in width. (Amendment approved April 10th, 1855, p. 100.)

SEC. 28. Until otherwise provided by law, any company organized under this Act, may enter upon, take possession of, and use all such real estate and property as may be required for the construction and maintenance of a single or double track railroad, and the convenient accommodations appertaining to the same, by complying with the following provisions: Whenever the said corporation shall not have acquired by gift or purchase, any land, real estate, or property so required as aforesaid, or which may be affected by any operation connected with such construction and maintenance, it shall be lawful for the company (by a petition signed by its attorney or agent, describing with convenient accuracy and certainty, by map or otherwise, the lands, real estate, or property so required to be taken or to be affected, setting forth the name and residence of each owner, or other persons interested therein as owner, claimant, tenant, lessee, or incumbrancer, as far as known to such attorney or agent, or appearing of record), to apply to the Judge of the District Court, either in term time or vacation, of the county where the said lands, real estate, or property shall lie, praying the appointment of Commissioners to ascertain the compensation to be made to such owners and persons interested, for the taking or injuriously affecting such lands, real estate, or property as aforesaid. The Judge shall have satisfactory evidence that notice of an intended application, at the time and place thereof, for the appointment of Commissioners for appraisement between said corporation and the owners and persons interested in such lands, real estate, and property, had been given at

least five days previously, to every such owner personally, or to some person of suitable age, at the residence or on the premises of such owner, or by publication thereof in a newspaper printed in the county in which such land, real estate, or property may lie; such publication to be allowed only in respect to owners, who shall appear, by affidavit, to have no residence in the county, known to such agent or attorney, whereat such notice could be delivered as aforesaid. The Judge may adjourn such proceedings from time to time when necessary to the furtherance of justice, and may direct any further notice thereof to be given that may seem proper; and he shall hear the proofs and allegations of the parties interested, touching the regularity of the proceedings, and shall, by an entry in his minutes, appoint five competent and disinterested persons, Commissioners, to ascertain such compensation as aforesaid, specifying in such entry a time and place for the meeting of the Commissioners. The said Commissioners, before entering upon the duties of their office, shall be sworn, and any one of them may administer oaths to witnesses produced before them, and they may adjourn from day to day, to enable the parties to procure testimony, but for no longer period than one day, without the consent of both parties, until the matter is finally determined, unless otherwise ordered by the said Judge for good cause shown. Whenever they shall have adjourned to enable the parties to procure testimony, any of the Commissioners may issue subpoenas and compel witnesses to attend. The Commissioners having heard the proofs and allegations of the parties, three or more of said Commissioners shall, after viewing the premises, without fear, favor, or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested, for the lands, real estate, and property so to be taken or injuriously affected as aforesaid, the valuation by the said Commissioners to be of the said land, real estate, or property as it was before the said railroad was projected, and not as improved in value by the projection of said road. The said Commissioners, or a majority of them, shall make, subscribe, and file with the Clerk of the county in which such lands, real estate, or property shall lie, a certificate of said ascertainment and assessment, in which the said lands, real estate, and property shall be described by map or otherwise with convenient accuracy and certainty. Either party feeling aggrieved by the decision of the Commissioners, may appeal to the Supreme Court, as in other cases tried before the District Court; *provided*, that such appeal shall not prevent the company from proceeding with the work, or retaining or taking possession of such lands, real estate, and property as may be necessary for the successful prosecution of the road. The Court or Judge, upon such certificate, and due proof that such ascertainment or assessment has been paid to the parties entitled to the same, or has been paid to the Clerk of the Court of the proper county, shall make and cause to be entered in his minutes, a rule describing such lands, real estate, and property, in manner aforesaid, such ascertainment or assessment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid. A certified copy of such rule shall be recorded and indexed in the proper

Recorder's office, in the like manner and with like effect as if it was a deed of conveyance in fee simple from the said owners and parties interested, to the said corporation. Upon the entry of such rule, the said company shall become entitled to use and occupy all lands, real estate, and property described in said rule, as required to be taken as aforesaid during the continuance of the corporation, by this or any subsequent act; and may take possession of what they are not at the time in possession of, and hold and use all described in said rule for the purposes of said road, or otherwise for the benefit of the company, and shall thereupon be discharged from all claims for damages by reason of any matter specified in the said petition, certificate, or rule of Court. If, at any time after an attempted or actual ascertainment of compensation under this or any other Act, or any purchase by, or donation to the said corporation, of any lands for the purposes aforesaid, it shall appear that the title thereby acquired to all or any part of such lands for the use of said road, or of said corporation, shall fail or be deemed defective, the said corporation may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons, whose title, claim, or interest in, or lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof, in the manner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this Act, the Court, or Judge in chambers, may, by a decree in that behalf made, authorize the said corporation, if already in possession, to continue in the use and possession, and if not in possession, to take possession of, and use such premises during the pendency of such proceedings until the final conclusion of such proceedings, and may stay all suits or proceedings against such corporation on account thereof; *provided*, such corporation shall pay a sufficient sum into Court, or give approved security to pay the compensation in that behalf, when ascertained; and in every case where possession shall be authorized, it shall be lawful for the owner or owners to conduct the proceedings to a conclusion, if the same shall be delayed by the said company. The said Commissioners shall be entitled to receive from said corporation their reasonable disbursements, and a compensation per day, to be fixed by the Court or Judge, not to exceed five dollars for each day actually employed by them in the discharge of their duties, such disbursements to be taxed and allowed by the Court or Judge. If any Commissioner appointed shall die, be unable, or fail to serve, the Court or Judge may appoint another in his place, on reasonable notice of application for such an appointment, such application to be approved by the Court or Judge.

29. In case any married woman, infant, idiot, or insane person, or any unknown owners not personally notified to appear, and who do not appear, after such notice on the appointment of Commissioners, shall be interested in any such lands, real estate, or property, the Court or Judge shall appoint some proper person to appear before said Commissioners and act as attorney for and in behalf of said

married woman, infant, idiot, or insane person, unknown, or not appearing owner, not personally served with notice.

**Privileges.**

440. SEC. 3. All privileges, immunities, and franchises, that may hereafter be granted to any individual or individuals, or to any corporation or corporations, relating to the introduction of fresh water into the City and County of San Francisco, or into any city or town in this State, for the use of the inhabitants thereof, are hereby granted to all companies incorporated, or that may hereafter become incorporated, for the purposes aforesaid.

**Duties.**

441. SEC. 4. All corporations formed under the provisions of this Act, or claiming any of the privileges of the same, shall furnish pure fresh water to the inhabitants of such city and county, or city or town, for family uses, so long as the supply permits, at reasonable rates and without distinction of persons, upon proper demand therefor, and shall furnish water, to the extent of their means, to such city and county, or city or town, in case of fire or other great necessity, free of charge. And the rates to be charged for water shall be determined by a Board of Commissioners, to be selected as follows: Two by such city and county, or city or town authorities, and two by the water company; and in case that four cannot agree to the valuation, then in that case the four shall choose a fifth person, and he shall become a member of said Board; if the four Commissioners cannot agree upon a fifth, then the Sheriff of the county shall appoint such fifth person. The decision of a majority of said Board shall determine the rates to be charged for water for one year, and until new rates shall be established. The Board of Supervisors, or the proper city or town authorities, may prescribe such other proper rules relating to the delivery of water, not inconsistent with this Act and the laws and Constitution of this State.

**Rates by  
Commissioners.**

442. SEC. 5. Any corporation created under the provisions of this Act shall have the right, subject to the reasonable direction of the Board of Supervisors, or city or town authorities, as to the mode and manner of exercising such right, to use so much of the streets, ways, and alleys, in any town, city, or city and county, or any public road therein, as may be necessary for laying pipes for conducting water into any such town, city, or city and county, or through or into any part or parts thereof.

Use of  
streets,  
roads, etc.

443. SEC. 6. Any corporation heretofore formed for the purposes specified in this Act shall have the right to reincorporate under the provisions of this Act, without losing, forfeiting, or diminishing any of the rights, privileges, franchises, or immunities which they have heretofore lawfully acquired.

Reincorporation of  
corporations  
heretofore  
formed.

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*An Act for the protection of water companies.*

[Approved May 18, 1861, p. 533.]

[Enacting clause.]

444. SECTION 1. Any person who, with intent to injure or defraud any water company, body corporate, or individual, shall connect or cause to connect, any pipes, tube, or other instrument, or continuance, with any main service pipe, or other pipe, or conduit, or flume, for conducting or supplying any town or city, or city and county, with pure fresh water, or interfering with any stream, creek, dam, or reservoir, or flood or water gate, or any aqueduct used or which may be used, for conveying any flume or pipe, for the introduction of such fresh water supply, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars, or by both such

Connecting  
with water  
pipes, etc.



fine and imprisonment; *provided*, that this section shall not apply to any case where an adverse interest now exists as to the ownership of any stream or land, or where an action may be pending relative thereto.

Tampering  
with water  
meters.

445. SEC. 2. Any person who, with intent to injure or defraud any water company, or body corporate, or individual, shall willfully injure, alter, or obstruct, or prevent the action of any meter provided for the measuring and registering the quantity of water used or consumed by or at any meter, or orifice, or place, or cause or procure any such meter to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Opening  
stop cocks  
or faucets.

446. SEC. 3. Any person who, with intent to defraud or injure any water company, body corporate, or individual, shall open or cause to be opened, or draw water from any stop-cock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by the order of said water company, body corporate, or individual, without a written permit from the Superintendent, agent, or clerk of said water company, body corporate, or individual, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.



ARTICLE XI.

CANAL COMPANIES.

SECTION 447. Canal companies for various purposes.

- 448. Rights.
- 449. Powers.
- 450. To build and keep in repair bridges.
- 451. Not applicable to certain counties.
- 452. Took effect immediately.
- 453. May borrow money, issue bonds, etc.
- 454. Canal companies, formation of.
- 455. Rights granted.
- 456. Location of route.
- 457. Petition for condemnation.
- 458. Citation, how served.
- 459. Hearing; appointment of Commissioners.
- 460. Powers and duties of Commissioners.
- 461. Assessment of damages.
- 462. New commission.
- 463. Order of condemnation.
- 464. Compensation of Commissioners.
- 465. Bridges to be kept in repair.

*An Act to authorize the incorporation of canal companies, and the construction of canals.*

[Approved May 14, 1862, p. 540.]

[Enacting clause.]

447. SECTION 1. Corporations may be formed, under the provisions of an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof and supplemental thereto, for the following purposes: The construction of canals, for the transportation of passengers and freights, or for the purpose of irrigation or water power, or for the conveyance of water for mining or manufacturing purposes, or for all of such purposes.

Canal companies for various purposes.

Rights.

448. SEC. 2. The right is hereby granted to any company organized under the authority of this Act, to construct all works necessary to the objects of the company, to make all surveys necessary to the selection of the best site for the works, and of the lands required therefor, and to acquire all lands, waters not previously appropriated, and other property necessary to the proper construction, use, supply, maintenance, repairs, and improvements of the works, in the manner and by the mode of proceedings prescribed in an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

Powers.

449. SEC. 3. Every company organized as aforesaid shall have power, and the same is hereby granted, to make rules and regulations for the management and preservation of their works, not inconsistent with the laws of this State, and for the use and distribution of the waters, and the navigation of the canals, and to establish, collect, and receive rates, water rents, or tolls, which shall be subject to regulation by the Board of Supervisors of the county or counties in which the work is situated, but which shall not be reduced by the Supervisors so low as to yield to the stockholders less than one and one half per cent per month upon the capital actually invested.

To build  
and keep  
in repair  
bridges.

450. SEC. 4. Every company organized under the authority of this Act shall construct, and keep in good repair, at all times, for public use, across their canal, all of the bridges that the Board of Supervisors of the county or counties in which such canal is situated shall require; said bridges being on the lines of public highways, and necessary for public use in connection with such highways.

451. SEC. 5. The provisions of this Act shall not apply to the Counties of Nevada, Placer, Amador, Sierra, Klamath, Del Norte, Trinity, Butte, Plumas, and Calaveras. (Amendment approved February 3d, 1866, p. 53.)

Not applicable to certain counties.

The Counties of Tuolumne and Lassen, added by amendment of 1868, and the Counties of Placer and Butte, omitted from the same, approved March 12th, 1868, p. 134, took effect from passage, the latter amendment superseding amendment approved March 31st, 1866, p. 604.

452. SEC. 6. This Act shall take effect from and after its passage.

Took effect immediately.

The provisions of an Act for the incorporation of water companies, approved April 22d, 1858, p. 218, are to apply, so far as the application for condemnation of land, to the Act to define and establish the line and width of East street, approved April 2d, 1870, p. 651.

### *An Act supplementary to the foregoing Act.*

[Approved April 2, 1866, p. 786.]

[Enacting clause.]

453. SECTION 1. Canal companies, formed under the provisions of the Act to which this Act is supplementary, shall have the power to borrow money, and issue bonds or promissory notes therefor, and execute mortgages to secure the payment of the same, in the same manner and under the same restriction as railroad companies may, under the provisions of an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, one thousand eight hundred and sixty-one.

May borrow money, issue bonds, etc.

SEC. 2. This Act shall take effect and be in force from and after its passage.

*An Act to authorize the incorporation of canal companies and provide for the construction of canals and ditches.*

[Approved April 2, 1870, p. 660.]

[Enacting clause.]

Canal  
companies,  
formation  
of.

454. SECTION 1. Corporations may be formed under the provisions of the Act of April fourteenth, eighteen hundred and sixty-three, entitled an Act to provide for the formation of corporations for certain purposes, and of the several Acts amendatory thereof and supplementary thereto, for the following purposes, namely: The construction of canals for the transportation of passengers and freights; for the supplying of water for irrigation; for procuring water power; for conveying water for mining or manufacturing purposes; or for all such purposes combined.

Rights  
granted.

455. SEC. 2. The right is hereby granted to any company organized under this Act, or which may have been organized under preceding Acts, to construct all reservoirs, dams, embankments, canals, ditches, and other works necessary to the objects of such company; to make the surveys necessary to the selection of the sites and routes of such works, and to acquire all lands, waters not previously appropriated, and other property required for the proper construction, use, supply, maintenance, repairs, and improvements of the same, in the manner hereinafter provided.

Location  
of route.

456. SEC. 3. Any company organized in pursuance of this Act, or any company organized under any preëxisting Acts for similar purposes, shall have the power to locate or fix upon the line or route of its proposed ditch or canal, and select the site or sites of its proposed dams, embankments, and reservoirs, in conformity with the designation of its engineer or business manager.

457. SEC. 4. In case the route so fixed upon, or any part thereof, or the site so selected, be upon land owned by individuals, or upon public land possessed and occupied by individuals, and the right to such route or site over or upon such land has not been acquired by agreement with such owners or occupant, then it shall be lawful for such company to present to the County Judge of the county wherein such land is situate, a petition, verified by an officer or agent of the company, showing that such route or site is necessary to such company; that it passes over or is upon such land, and that a right to the same has not been acquired by agreement with the owner or occupant (naming him) of the land. It shall conclude with a prayer for the appointment of Commissioners to assess the damages resulting to such owner or occupant because of the selection and appropriation of such route or site.

Petition for  
condemna-  
tion.

458. SEC. 5. Upon the receipt of the petition mentioned in the foregoing section, the County Judge shall make an order directing the Clerk of the County Court of such county to issue a citation to the owner or occupant of the land described in the petition, requiring him to appear before the County Judge, at his chambers, on a day therein named, and show cause why the prayer of the petition should not be granted. The day named in the citation for such appearance shall not be less than ten nor more than thirty days from the date of its issuance. Such citation may be served in the manner provided by law for the service of summons, and in case the owner or occupant of the land should be absent from the State, or it is not known where he or she may be found, and this fact is made to appear by affidavit to the County Judge; he shall, by order, direct the same to be served by publication in some newspaper published in the county, in

Citation,  
how served

the manner prescribed for the publication of summonses; *provided*, that the period prescribed in such order for such publication shall in no case exceed two months from the first insertion.

Hearing.

459. SEC. 6. On the day appointed for the appearance of the owner or occupant of the land, or upon any subsequent day to which the hearing may, for good cause shown, be adjourned, the County Judge shall proceed to hear the allegations and proofs of the respective parties, and if upon such hearing he shall be satisfied that the route or site selected over or upon such land is necessary for the promotion of the objects of the company, and that no private agreement has been made by the parties relative thereto, he shall proceed to nominate, as Commissioners, three disinterested citizens of the county, with power to hear and determine between the parties, and assess the value of the land sought to be condemned.

Appointment of Commissioners.

Powers and duties of Commissioners.

460. SEC. 7. Such Commissioners shall proceed without unnecessary delay to appoint a day and place upon and at which the respective parties shall appear before them with their witnesses and other proofs, and such Commissioners shall have power to compel the attendance of witnesses, and to administer to them the necessary oaths; *provided*, that such owner or occupant shall have at least six days notice of the time and place of such hearing; *provided further*, that the said Commissioners shall have power to adjourn such hearing from time to time, to enable either of the parties to procure witnesses; and *provided*, that such adjournment shall not exceed in the aggregate ten days; and, *provided further*, that such Commissioners may, if they deem it proper, visit the locality of such proposed route or site, in company with such witnesses and experts as they may select.

461. SEC. 8. Within ten days from the hearing by such Commissioners, they shall proceed to assess the actual damages accruing to the owner or occupant of the land by reason of the construction thereon of the proposed works, and to report the same in writing to the County Judge, who shall immediately cause such report to be filed in the office of the Clerk of the County Court. Assessment  
of damages.

462. SEC. 9. Within ten days from the filing of such report, either party may move, upon good cause shown by affidavits, to vacate and set aside the same; and if set aside, a new commission shall be appointed by the County Judge, which shall proceed to hear and determine, in all respects, as is provided in case of the original commission. New Com-  
mission.

463. SEC. 10. After the lapse of ten days from the filing of such report, if no motion to vacate the same is made, or if, being made, it is denied, or after the lapse of ten days from the filing of the report of the new commission, as provided in the last section, the County Judge shall proceed to make an order upon the same, condemning so much of the land as he shall deem necessary for such canal or other works. Such order shall declare the sum to be paid by way of damages by such company, and shall award to such company the right to occupy such land and construct the proposed works upon payment by it to such owner or occupant of the sum so provided, which said order shall be duly filed in the office of the Clerk of such County Court; and from the date of the payment of such sum to such owner or occupant, the said company shall have full right and authority to enter upon such land, and to proceed with the erection and construction of its proposed works along such route and upon such site. Order of  
condemna-  
tion.

Compensation of Commissioners.

464. SEC. 11. The Commissioners appointed in pursuance of this Act shall each be entitled to receive five-dollars per day for every day they shall be actually engaged in the business of the commission; and witnesses summoned and sworn before the same shall receive such fees and mileage as are allowed to witnesses in ordinary proceedings at law.

Bridges to be kept in repair.

465. SEC. 12. Every company organized in pursuance of this Act shall construct and keep in good repair, at all times, for public use, the various bridges across any canal or ditch owned by it, required by the Board of Supervisors of the county wherein such crossing is situated, such bridge being on the line or crossing a public highway or county road, and necessary for public use.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after its passage.

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## ARTICLE XII.

### MINING COMPANIES.

#### SECTION 466. Assessments.

- 467. Consent of two thirds of stockholders; publication.
- 468. Filing of certified copy with County Clerk.
- 469. Removal from State not authorized.
- 470. Repeal of inconsistent Acts.
- 471. Corporation may remove office.
- 472. Manner of procedure.
- 473. Legalizing past removals.
- 474. Transfer agencies.
- 475. Stock issued at transfer agencies.
- 476. Laws regulating agencies.
- 477. Repeal of inconsistent Acts.



*An Act in reference to corporations organized in this State for the purpose of mining out of this State.*

[Approved March 5, 1861, p. 41.]

[Enacting clause.]

466. SECTION 1. That it may be lawful for any corporation organized in this State, under the laws of this State, for the purpose of mining or carrying on mining operations without this State, whose business office is in this State, to levy assessments upon the capital stock thereof, to pay the debts, future or present, of said corporation, or to carry on the business of said corporation; *provided*, the same shall be equal and uniform, and at no time exceed five per cent of the capital stock, and such levy or assessment shall constitute a valid and binding obligation upon the holders of such stock, to pay the sum so assessed against the stock so held. Notice of each such call or assessment shall be given to the respective stockholders personally, or shall be published once a week for at least four weeks in some newspaper published at the place designated as the principal place of business of the corporation, and also in some newspaper published nearest to the point where said mining operations are being carried on. If, after such notice has been given, any stockholder shall make default in the payment of such call or assessment, as to the shares of stock held by him, so many of such shares may be sold as will be necessary for the payment of the call or assessment on the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; *provided*, that no sale shall be made, except at public auction to the highest bidder, after a published notice of thirty days, published as above directed; and that at such sale the person who will

Assess-  
ments.

agree to pay the call or assessment so due, together with the expense of advertising and the other expenses of the sale, for the smallest number of whole shares, shall be deemed the highest bidder.

SEC. 2. This Act shall take effect from and after its passage.

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*An Act to authorize mining companies or corporations to change their principal place of business.*

[Approved February 15, 1864; Stats. 1863-4, p. 76.]

[Enacting clause.]

Consent of  
two thirds  
of stock-  
holders.

Publica-  
tion.

467. SECTION 1. Any mining company or corporation lawfully organized and incorporated for mining purposes within the State of California, may change its office or principal place of business by first obtaining the consent, in writing, of the stockholders representing two thirds of all the capital stock of the company; *provided*, that notice of such intended change, after such consent shall have been obtained, shall be inserted for thirty days in some newspaper published at or nearest the principal place of business of said mining company or corporation, designating the county or city and county to which it is intended to remove, before such removal shall be deemed lawful.

Filing of  
certified  
copy with  
County  
Clerk.

468. SEC. 2. Any mining company or corporation availing itself of the privileges of this Act, upon filing in the office of the County Clerk of the county or city and county to which a removal is intended to be made, a certified copy of its articles of incorporation, together with a certificate of the Trustees of the company or corporation, under the seal thereof, that the requirements of section one of this Act have been fulfilled, shall, from the time of such filing, be vested with all the powers in its new place of business which it might

or could have exercised if originally incorporated in the county to which its office or principal place of business shall be removed.

469. SEC. 3. This Act shall not be so construed as to authorize any mining company or corporation to remove its office or principal place of business out of the State.

Removal  
from  
State not  
authorized.

470. SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Repeal of  
inconsistent  
Acts.

SEC. 5. This Act shall take effect and be in force from and after its passage.

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*An Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California.*

[Passed February 27, 1864; Stats. 1863-4, p. 109.]

[Enacting clause.]

471. SECTION 1. It is hereby declared lawful for any corporation heretofore organized under the laws of this State, whose principal place of business is in the Town of Aurora, Territory of Nevada, and such corporation is hereby authorized and empowered to remove its office and principal place of business to the City of San Francisco, or to any other city or town in the State of California, as such corporation may select, by a resolution of the Board of Trustees thereof, adopted in accordance with its by-laws.

Corpora-  
tion may  
remove  
office.

472. SEC. 2. Every such corporation desiring to make such removal shall file in the office of the Clerk of the City and County of San Francisco, or of the

Manner of  
procedura.

City and County of Sacramento, or of such county in this State wherein is situated the city or town to which such corporation desires to remove, a certified copy of such resolution, under their corporate seal, together with a certified copy of the original certificate of incorporation, now on file in the office of the Secretary of State, and shall also deliver a certified copy of such resolution to the County Clerk of Esmeralda County, Nevada Territory, and shall cause the same to be published for four successive weeks in some newspaper in the said Town of Aurora; and from the time of the filing of said instruments in the Clerk's office of the proper county in this State, the office and principal place of business of such corporation shall be deemed removed to and established at such city or town in this State as may be declared in such resolution.

Legalizing  
past  
removals.

473. SEC. 3. The resolution heretofore passed by the Board of Trustees of any corporation whose office and principal place of business has heretofore been in the Town of Aurora, removing such office and place of business to any city or town in the State of California, is hereby legalized and declared valid and effectual; and from the time of the passage of such resolution all acts and proceedings of the Trustees of such corporation, had or done in such city or town in this State, are hereby declared and made valid and effectual, in law and equity, as fully to all intents and purposes as though such city or town had been originally designated in the certificate of incorporation of such corporation as the principal place of business thereof; *provided*, that such corporation shall, within sixty days from the passage of this Act, file in the office of the County Clerk of the county wherein such city or town is situated, a certified copy of such resolution, attested by their corporate seal, together with

a certified copy of the certificate of incorporation of said corporation, now on file in the office of the Secretary of State.

SEC. 4. This Act shall take effect from and after its passage.

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*An Act to authorize corporations organized in this State, for the purpose of mining in or without this State, to establish and maintain transfer agencies in other States.*

[Approved April 4, 1864; Stats. 1863-4, p. 429.]

[Enacting clause.]

474. SECTION 1. That it may be lawful for any corporation organized in this State, for the purpose of mining or carrying on mining operations in or without this State, to establish and maintain agencies in other States of the United States, for the transfer and issuance of their stock; and a transfer or issuance of the same at any such transfer agency, in accordance with the provisions of this statute, shall be valid and binding, and as fully and effectually so for all purposes as if made upon the books of such corporation at its principal office within this State.

Transfer  
agencies.

475. SEC. 2. All stock of any such corporation issued at any such transfer agency shall be signed by the President and Secretary of the corporation, and countersigned, at the time of its issuance, by the agent or agents of such corporation having the charge of such transfer agency; and no stock shall be issued at such transfer agency unless the certificate or certificates of stock in lieu of which the same is issued, shall, at the time of such issuance, be surrendered for cancellation.

Stock  
issued  
at transfer  
agencies.

Laws  
regulating  
agencies.

476. SEC. 3. The stockholders of any such corporation may pass by-laws for the regulation and conduct of any such transfer agency; *provided*, the same be not inconsistent with the provisions of this Act. And such transfer agency shall at all times be subject to the control of the Trustees of said corporation.

Repeal of  
inconsistent  
Acts.

477. SEC. 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

### ARTICLE XIII.

#### TELEGRAPH COMPANIES.

SECTION 478. Companies may be formed.

479. Certificates.

480. Incorporation.

481. Powers of company.

482. Powers as to construction of telegraph lines.

483. Persons damaged; Commissioners to appraise; corporation to pay damages and costs; fees of Commissioners.

484. Penalty for injuring property of company.

485. Increase of capital may be provided for.

486. Duties and liabilities as to dispatches.

487. Penalty for injury to telegraph cable; masters of vessels, when liable.

488. Conditions to be observed.

489. Transfer of rights, etc.

490. Application of Act.

*An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

#### CHAPTER VI.

Companies  
may be  
formed.

478. SECTION 146. Any number of persons not less than three, may associate and form a company for the purpose of constructing, owning, holding, and working a line or lines of telegraph in this State, or beyond the limits thereof, or partly within this State and partly beyond the limits thereof, upon the terms and condi-

tions, and subject to the liabilities prescribed in this Chapter. (Amendment approved April 4th, 1861, p. 84; took effect immediately.)

479. SEC. 147. Such persons, under their hands and seal, shall make a certificate, which shall specify: Certifi-  
cates.

First—The corporate name of the company.

Second—The general route of the principal line or lines of telegraph, designating the principal points to be connected thereby.

Third—The amount of the capital stock of the company and the number of shares into which the same shall be divided.

Fourth—The names and places of residence of the principal shareholders, and the number of shares subscribed for by each.

Fifth—The period of the existence of said company; not to exceed fifty years.

Which certificate shall be proved, or acknowledged, and filed in the office of the County Clerk of the county in which one of the principal offices of said company shall be established, and a copy or duplicate thereof filed in the office of the Secretary of State; *provided*, that any telegraph company, formed, or to be formed, under the laws of this State, may, with the consent of the persons holding two thirds of the issued stock of said company, continue its corporate existence, or become reincorporated under the same or a different name, and may, in its new certificate, provide for the construction, owning, holding, controlling, and working of the same or other lines of telegraph, or both, and for any other matters connected therewith that may be proper for the convenient carrying out of the purposes of said company; which certificate shall also state the number of shares and amount of the capital stock of said company, and shall be signed by the President and Secretary of the company, and

proved, or acknowledged, and filed as hereinbefore provided; and the new company shall thereupon succeed to all the debts and liabilities, and all the rights, franchises, and property of the old company. (Amendment approved April 4th, 1861, p. 84; took effect immediately.)

Incorporation.

480. SEC. 148. Upon complying with the provisions of the last preceding section, such company shall be and remain a body corporate by the name designated in said certificate; and a copy of said certificate, duly certified by the Clerk of the county where the same is filed, or by the Secretary of State, may be used in all Courts and places for and against said corporation. (Amendment approved April 4th, 1861, p. 84; took effect immediately.)

Powers of company.

481. SEC. 149. Such company shall have power to purchase, take, receive, hold, use, and vend to others to be used, any patent or patents for telegraphing, and any and all rights thereunder; to purchase, take, receive, hold, and maintain any and all rights, privileges, and franchises relating to the business of telegraphing; to make, receive by assignment, or ratify any contract or agreement for the building, maintaining, controlling, or working of any line or lines of telegraph; to construct, purchase, lease, take, receive, hold, control, and work any lines for telegraphing, whether within the State of California or beyond the limits thereof, and to purchase, take, lease, hold, own, use, and occupy any personal or real estate, rights, property, telegraph lines, grants, franchises, and privileges that may be proper or convenient for the complete transaction of its business, or for effectually and conveniently carrying out the objects and purposes of said company. It shall also have power to appoint such Directors, officers, and agents, and to make such rules, regulations, and by-laws as may be necessary or proper in the transac-



tion of its business, and not inconsistent with the laws of this State or of the United States. (Amendment approved April 4th, 1861, p. 84; took effect immediately.)

482. SEC. 150. Such association is authorized to construct lines of telegraph along and upon any road or highway, or across any of the waters or any lands within the limits of this State, by the appropriation of any trees growing by nature or by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the wires of said lines; *provided*, the same shall not be so constructed as to incommode the public use of said road or highway, or injuriously interrupt the navigation of said waters; nor shall this Chapter be so construed as to authorize the construction of any bridge across any of the navigable waters of this State. (Amendment approved April 2d, 1857, p. 171.)

Powers as to construction of telegraph lines.

483. SEC. 151. If any person over whose lands said lines shall pass, upon which posts, piers, or abutments shall be placed or standing trees appropriated, shall consider himself aggrieved or damaged thereby, it shall be the duty of the County Court of the county within which such lands are, on the application of such person, and on notice of such application being served on the President or any Director of such association, to appoint three discreet and disinterested persons as Commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this Chapter; and it shall be the duty of said Commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant by reason of said lines, posts, piers,

Persons damaged.

Commissioners to appraise.

Corporation to pay damages and costs.

Fees of Commissioners.

Penalty for injuring property of company.

Increase of capital may be provided for.

Duties and liabilities as to dispatches.

or abutments, or appropriation of standing trees, duplicates of which said appraisement shall be reduced to writing and signed by said Commissioners, or a majority of them; one copy shall be delivered to the applicant, and the other to the President or any Director or officer of said association or corporation, on demand; and in case any damage shall be adjudged to said applicant, the association or corporation shall pay the amount thereof, with the costs of said appraisal; said costs to be set forth and liquidated with the damage appraised; and said Commissioners shall receive for their services such compensation as the County Judge may award, to be paid in like manner as the costs and damages appraised. But in no case shall the person feeling himself injured or aggrieved, be entitled to any damage when application is not made to the County Court within three months after the erection of said telegraph lines across the lands of such person. (Amendment approved April 2d, 1857, p. 171.)

484. SEC. 152. Any person who shall unlawfully and intentionally injure, molest, or destroy any of said lines, posts, piers, or abutments, or the materials or property belonging thereto, shall on conviction thereof be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding one year, or both, at the discretion of the Court before which the conviction shall be had.

485. SEC. 153. It shall be lawful for any association of persons organized under this Chapter, by their articles of association, to provide for an increase of their capital, and the number of the association.

486. SEC. 154. It shall be the duty of any company owning or working any telegraph line in this State, on the payment of the usual charges therefor, as established by said company, to receive all dis-

patches from any individual or person, and to transmit Same.  
the same with impartiality and good faith to the person or persons to whom the same may be directed; and for any neglect or refusal so to do, such company shall forfeit the sum of five hundred dollars, to be recovered, with costs of suit, by the person desiring to send the same. (Amendment approved April 4th, 1861, p. 84; took effect immediately.)

[Sec. 155 was repealed by Sec. 7 of "An Act concerning telegraphic messages, and to secure secrecy and fidelity in the transmission thereof," approved May 14th, 1861; which Act was repealed by Sec. 23 of "An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages," approved April 18th, 1862, p. 288.]

See "TELEGRAPHIC MESSAGES."

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*An Act to amend and supplemental to "An Act to authorize the formation of corporations for the construction of plank and turnpike roads," passed May twelfth, eighteen hundred and fifty-three.*

[Approved April 2, 1857, p. 171.]

[There is an evident mistake in the title of this Act. It is amendatory of Chapter VI of the Act of 1850, and not of the Act of 1853, concerning plank and turnpike corporations. It is, therefore, inserted in its proper place, notwithstanding its title.]

• [Enacting clause.]

[Section 1 contains the amendments to Secs. 150 and 151 of the Act of 1850 therein inserted.]

487. SEC. 2. Any person or persons who shall willfully or maliciously break, injure, or destroy a subaqueous telegraph cable, crossing any of the waters of this State, shall, upon conviction thereof, be fined in any sum not less than five hundred nor more than ten

Penalty for  
injury to  
telegraph  
cable.

Masters of  
vessels,  
when  
liable.

thousand dollars, to which may be added imprisonment in the State Prison for any term not less than one year nor more than five, at the discretion of the Court. Such persons so offending, or any person who shall break, injure, or destroy, through neglect or want of proper care, said subaqueous cable, shall also be held liable for full damages arising from the injury or destruction of the same; and any ship, steamer, or other vessel which, by dragging its anchor or otherwise, shall in any manner damage or destroy said subaqueous cable, upon proof that proper care and discretion were not used by the master of said vessel, or person commanding or having charge of such vessel at the time the said injury or destruction took place, shall be held responsible for all damages, and the person commanding or having the said vessel in charge at the time said injuries to said cable were sustained, shall be subject to the fine and imprisonment hereinbefore provided.

Conditions  
to be  
observed.

488. SEC. 3. Before any association formed for telegraph purposes shall be entitled to the benefits of section second of this Act, they shall cause to be erected at the commencement and termination of said subaqueous cable, on the shores of the water such cable underlies, suitable monuments, one on each shore, indicating the place of said cable, and shall also cause to be published, in a public newspaper having a fair circulation on and about the waters crossed by said cable, a public notice, setting forth a description of said monuments, together with the termination and course of said cable. Such notice shall be published at least one month, and it is herein provided that no association for telegraph purposes shall be entitled to the benefits of section second of this Act, unless said subaqueous cable be not less than two miles from the center of shipping, in the port of San Francisco.

*An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 4, 1861, p. 84.]

[Enacting clause.]

[Secs. 1, 2, 3, 4, and 5 contain the amendments to Secs. 146, 147, 148, 149, and 154 of the Act of 1850, therein inserted.]

489. SEC. 6. Any telegraph company may, at any time, with the consent of the persons holding two thirds of the issued stock of said company, sell, lease, assign, transfer, and convey, any rights, privileges, franchises, and property of said company, except its corporate franchise. Transfer of rights, etc.

490. SEC. 7. This Act shall take effect immediately, and its provisions shall apply as well to telegraph companies already formed as to those hereafter to be formed. Application of Act.

## ARTICLE XIV.

### BRIDGE COMPANIES.

SECTION 491. Bridge companies, formation of.

492. Articles of association, when filed.

493. Certified copies of articles to be evidence.

494. Board of Directors; election of Directors.

495. Application for leave to construct bridge.

496. Order for construction of bridge; application to be filed.

497. Bridges over streams navigated by rafts.

498. Damages for injuries by construction of bridge.

499. Bridges, how to be built.

500. When toll not payable.

501. Directors may call in subscriptions.

502. Transfer of shares; increase of capital.

503. Taxation.

504. When company ceases to be a body corporate.

505. Annual report.

506. Bridges in course of construction by private subscription.

SECTION 507. Visitation and examination.

508. Reports, when to be made; penalty for neglect to report.

*An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

CHAPTER VII.

Bridge  
companies,  
formation  
of.

491. SECTION 156. Any number of persons, not less than five, may be formed into a corporation for the purpose of constructing and owning a bridge across any stream of water, as hereafter provided, upon complying with the following requirements:

First—They shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to continue (which shall not exceed fifty years), the amount of the capital stock of the corporation (which shall be divided into shares of one hundred dollars each), the number of Directors and their names, who shall manage the concerns of the corporation for the first year and until others are elected, the location of such bridge, and the plan thereof.

Second—Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in such corporation.

Third—Whenever one fourth part of the amount of the capital stock specified in the articles of association shall have been subscribed, and on complying with the provisions of the next section, such articles may be filed in the office of the Clerk of the county or counties in which the bridge is built; and thereupon the persons who have subscribed the articles of association as aforesaid, and such other persons as shall become stockholders in such company, and their successors, shall be a body corporate, by the name specified in such articles of association.

492. SEC. 157. Such articles of association shall not be filed as aforesaid until ten per cent on one fourth the amount of the stock of such company, fixed as aforesaid, shall have been actually paid in, in good faith, to the Directors named in such articles of association, in cash; nor until there shall be indorsed thereon, or annexed thereto, an affidavit made by at least three of the Directors named in such articles of association, that the amount of stock required by the one hundred and fifty-sixth section of this Chapter to be subscribed, has been subscribed, and that ten per cent on the amount has been actually paid in as aforesaid.

Articles of  
association,  
when filed.

493. SEC. 158. A copy of such articles of association, filed in pursuance of this Chapter, with a copy of such affidavit indorsed thereon or annexed thereto, and certified to be a copy by the proper officer, shall in all Courts and places be presumptive evidence of the facts therein contained.

Certified  
copies of  
articles to  
be evidence

494. SEC. 159. The business and property of every such corporation shall be managed and conducted by a Board of Directors, consisting of not less than five nor more than nine, who shall be chosen, except those for the first year, at such place within a county in which the bridge of such corporation, or some part thereof, shall be located, as shall be prescribed by the laws thereof. The Directors shall give notice of every such election previous to the holding thereof, by publishing the same once in each week for four successive weeks in a public newspaper published in each county in which such bridge, or any part thereof, shall be located; and if, in any such county, no paper shall be published, such notice shall be published in some county adjoining such last mentioned county. All elections of Directors shall be by ballot, and by a majority of all votes given thereat;

Board of  
Directors.

Election of  
Directors.

and every stockholder, being a citizen of the United States, and attending in person or by proxy, shall be entitled to one vote for each share of stock which he shall have owned absolutely, or as executor, administrator, or guardian, for thirty days previous to such election. No person shall be a Director unless he shall be a stockholder, owning at least four shares of stock absolutely in his own right, or as executor, administrator, or guardian, and entitled to vote at the election at which he shall be chosen, nor unless he shall be a citizen of this State; and a majority of the Directors shall, at the time of their election, be residents of the county or counties in which such bridge shall be located. Whenever any vacancy shall happen in the Board of Directors it shall be supplied until the next election by the remaining Directors. The Directors of every such company shall be elected in the same month, in each and every year; and such election after the first shall be held on the first Tuesday of such month; and the Directors chosen at any election shall hold their offices to and including Tuesday next after that appointed by law for holding the election, next succeeding that at which they were chosen. If an election of Directors shall not be held on the day prescribed by this Chapter for holding the same, the Directors in office on that day shall hold their offices until their successors shall be elected; but after the expiration of their regular term of office, as prescribed by this section, they shall be incapable of doing any act as such Directors, except such as may be necessary to give effect to an election of Directors.

Applica-  
tion for  
leave to  
construct  
bridge.

495. SEC. 160. When any bridge corporation shall be desirous of constructing a bridge, or any part thereof, in any county, it shall apply to the Court of Sessions of such county, at any regular term thereof, for author-



ity to construct such bridge, of which application such corporation shall give notice by publishing the same in at least two public newspapers, from time to time; a copy of the articles of association of such corporation, certified to by the Surveyor General of this State, or by the Clerk of the Court where such articles are filed, shall be attached to and filed with the application. No such corporation shall be authorized to bridge any stream in any manner that will prevent, endanger, or obstruct the passage of any vessel or steamboat, where the same is navigable by vessels or steamboats. (Amendment passed April 22d, 1851, p. 426.)

Same.

496. SEC. 161. If, after hearing such application, such Court shall be of opinion that the public interest will be promoted by the construction of such bridge on the proposed site, it may, if the Court of Sessions shall assent thereto, by an order to be entered in its minutes, authorize such company to construct such bridge as shall have been specified in the application, which shall be particularly described in such order. Such corporation shall cause a copy of such order, certified by the Clerk of the Court, with a copy of such application, to be recorded in the Clerk's office of such county, before it shall proceed to do any act by virtue thereof; and such Court shall cause such application, when it shall have finally acted on the same, to be filed at the expense of the corporation, with all the other papers relating thereto, or to the proceedings of said Court thereon, in the office of the Clerk of the county in which it shall have been made. Any corporation formed under this Chapter may use, in such manner as such Court shall prescribe, so much of any public highway, on either side of any stream, as may

Order for construction of bridge.

Application to be filed.

be necessary for the construction and maintenance of such bridge and toll houses.

Bridges  
over  
streams  
navigated  
by rafts.

497. SEC. 162. In case any bridge shall be constructed under the provisions of this Chapter, over any stream navigable by rafts, it shall be the duty of the corporation constructing such bridge, at all times to keep the channel of said stream both above and below said bridge, free and clear from all deposits in any way prejudicial to the navigation thereof, which may be formed or occasioned by the erection of such bridge.

Damages  
for injuries  
by con-  
struction  
of bridge.

498. SEC. 163. Any corporation organized under the provisions of this Chapter, which shall construct any bridge over any stream navigable by rafts as hereinbefore provided, shall be liable to pay all persons who may be unnecessarily or unreasonably hindered or delayed in passing such bridge; all damages which they shall sustain thereby to be recovered with costs of suit.

Bridges,  
how to be  
built.

499. SEC. 164. Every bridge constructed by virtue of this Chapter, shall be built with a good and substantial railing or siding, at least four and a half feet high. Whenever such bridge shall be completed and a certificate signed by the County Judge of the county in which such bridge is situated, or if such bridge shall be located in more than one county, by the County Judge of each of such counties, and such certificate filed in the office of the Clerk of such county or of each of said counties, if such bridge shall be located in more than one county, that such bridge constructed and completed in a manner safe and convenient for the public use, the Directors may direct a toll gate at such bridge, and demand and receive such sum as shall be from time to time prescribed by the Court of the county or counties where the bridge is located.

500. SEC. 165. No tolls shall be collected for crossing any bridge constructed by any corporation formed under this Chapter, from any person going to or from public worship; or to or from a funeral; or to or from school; or to or from a town meeting or election at which he is entitled to vote, for the purpose of giving such vote, and returning therefrom; or to or from a military parade which he is by law required to attend; or to or from any Court which he shall be required to attend as a juror or a witness; or to or from his legally required work upon any public highway.

When  
toll not  
payable.

501. SEC. 166. The Directors of any incorporation formed under this Chapter, may require payment of the stockholders of the sum subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of their stock and all previous payments thereon; and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the time fixed for the payment of the same, for the time and in the manner hereinbefore prescribed for giving notice of the election of Directors, and by sending such notice to such stockholder by mail, directed to him at his usual place of residence.

Directors  
may call in  
subscriptions.

502. SEC. 167. The shares of any corporation formed under this Chapter, shall be deemed personal property, and may be transferred in such manner as shall be prescribed by the by-laws of such corporation; and the Directors of every such corporation may, at any time, with the consent of a majority in amount of the stockholders in such corporation, provide for such increase of the capital stock thereof as may be necessary for the completion or reconstruction of such bridge; and the certificate of the amount of

Transfer of  
shares.

Increase of  
capital  
stock.

any such increase, within thirty days thereafter, shall be filed in the offices of the Surveyor General and the Clerk or Clerks of the county or counties in which such bridge is located, which certificate shall be authenticated by the signatures and oaths of a majority of said Directors.

Taxation.

503. SEC. 168. So much of any such bridge or toll house, constructed by virtue of this Chapter, as shall be within any town, city, or village, shall be liable to taxation in such town, city, or village, as real estate.

When  
company  
ceases to  
be a body  
corporate.

504. SEC. 169. Every company incorporated under this Chapter, shall cease to be a body corporate:

First—If, within six months from their filing their articles of association, they shall not have commenced the construction of their bridge, and actually expended thereon at least ten per cent of the capital stock of such company.

Second—If, within three years from the filing of such articles of association, such bridge shall not be completed according to the provisions of this Chapter.

Third—If, in case the bridge of such company shall be destroyed, it shall not be reconstructed within three years thereafter.

Annual  
report.

505. SEC. 170. It shall be the duty of the President and Secretary of every corporation formed under this Chapter, to report annually to the Surveyor General and the County Clerk where the papers are filed, under oath, the cost of their bridge; the amount of all moneys expended; the amount of their capital stock, and how much paid in, and how much actually expended; the amount received during the year for tolls, and from all other sources, stating each separately; the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which the indebtedness accrued; and such other

particulars in respect to the business affairs of such corporation as the said Surveyor General, or the Legislature, or either branch thereof, require to be so reported.

506. SEC. 171. When any bridge may be in process of construction by private subscriptions, at the time of the passage of this Chapter, the subscribers may organize into a corporation pursuant to the provisions of this Chapter, with the same power and privileges as if such bridge had not been so commenced.

Bridges in course of construction by private subscription.

507. SEC. 172. All companies formed under this Chapter shall at all times be subject to visitation and examination by an officer or agent, in pursuance of law, or by the Legislature, or by a committee appointed by either House thereof.

Visitation and examination.

508. SEC. 173. Every report required to be made by the one hundred and seventieth section of this Chapter shall be made in the month of January, in each year, and shall show, in respect to the particulars required therein to be set forth, the affairs and business of the corporation making the same, at the close of the year ending on the thirty-first day of December next preceding the time of making the same, and shall be published in the nearest newspaper four weeks; and every corporation formed under this Chapter, which shall neglect to make such report as is thereby required, shall forfeit to the people of this State, for every such neglect, the sum of two hundred dollars; and for every week such corporation shall neglect to make such report, after the expiration of the time within which it is required, as aforesaid, to make the same, it shall forfeit, as aforesaid, the further sum of fifty dollars. The Surveyor General shall report to the Attorney General every such forfeiture, by whom the same shall be sued for and recovered, with

Reports, when to be made.

Penalty for neglect to report.

the costs, in the name of the people; and the certificate of the said Surveyor General, of any such neglect, shall be presumptive evidence thereof; and if any such river, watercourse, or lake, now so navigable, shall hereafter be rendered navigable up stream, by vessels or steamboats, power to require such bridge to be altered or removed is reserved to the Legislature.

[Section 174 was repealed by Act passed March 17th, 1851, p. 424.]

### ARTICLE XV.

#### RELIGIOUS, SOCIAL, BENEVOLENT, AND LEARNED ASSOCIATIONS.

##### SECTION 509. Directors or Trustees.

- 510. Certificate of election, etc.
- 511. Such certificate to be recorded.
- 512. Powers of Trustees, etc.
- 513. Condition on which corporation may sell.
- 514. Certain corporations confirmed; name; to be recorded; dissolution.
- 515. Powers of corporation.
- 516. Real estate held by Trustees.
- 517. Trustees to report annually.
- 518. The bishop, chief priest, or presiding elder of a church may be a sole corporation; acquisition of property.
- 519. Acts referred to.
- 520. Three Trustees may incorporate.
- 521. Powers limited.
- 522. Further powers.
- 523. May incorporate.
- 524. Corporate powers.

#### *An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

Directors  
or Trustees

509. SECTION 175. It shall be lawful for all churches, congregations, religious, moral, beneficial, literary, or scientific associations or societies, by such rules or methods as their rules, regulations, or discipline may direct, to appoint or elect any number, not less than three nor more than fifteen, as Trustees or Directors, to take charge of the estate and property

belonging thereto, and to transact all affairs relative to the temporalities thereof; and all vacancies that may thereafter take place, by death, resignation, or otherwise, of any of the Trustees, may be filled by election or appointment in the same manner; *provided*, that no such election or appointment to fill a vacancy shall take effect until a certificate of such election or appointment, as provided in the next section, shall have been filed with the County Clerk, in which the original certificate of incorporation shall have been filed.

Amendment of March 28th, 1870, p. 402, supersedes the amendment passed at the June session, approved February 1st, 1870, p. 46.

510. SEC. 176. Upon the appointment or election of such Trustees or Directors, a certificate of such appointment or election shall be executed by the person or persons making the appointment, or the Judges holding the election, stating the names of the Trustees or Directors. The name by which said corporation shall thereafter forever be called and known, shall be particularly mentioned and specified in the certificate made at the first election or appointment of Trustees or Directors. (Amendment approved April 8th, 1862, p. 125.)

Certificate  
of election,  
etc.

511. SEC. 177. Such certificate shall be acknowledged by the person making the same, or proved by a subscribing witness thereto, before some officer authorized to take acknowledgment of deeds, and recorded, together with the certificate of such acknowledgment or proof, by the Clerk of the county within which such church, congregation, religious, moral, beneficial, literary, or scientific society or association shall be situated.

Such  
certificate  
to be  
recorded.

512. SEC. 178. Such corporation may have a common seal, and may alter the same at pleasure. A ma-

Powers of  
Trustees,  
etc.

majority of the whole number of Trustees or Directors shall form a Board for the transaction of business, and they may take into their possession and custody, all the temporalities of such corporation or association, whether the same shall consist of real or personal estate, and whether given, granted, or devised, directly or indirectly, to such association or corporation, or to any person or persons, for their use; and, in the name of such corporation, may sue and be sued, may recover and hold, all the debts, demands, rights, and privileges, all the churches, burying places, halls, school houses, hospitals, or other buildings, all the estate and appurtenances belonging to such corporation or association. They may have, lease, improve the same, erect all houses and buildings that are necessary to carry out the object of the association or corporation, and perform all duties imposed on them by the regulations, rules, or discipline of such organization. (Amendment approved April 8th, 1862, p. 125.)

Condition  
on which  
corporation  
may sell.

513. SEC. 179. It shall be lawful for the District Court, within and for the county in which any such corporation shall have been constituted, on the application of such corporation, and on its satisfactorily appearing to such Court by competent proof, by affidavit or otherwise, that due notice, by personal service, or by publication in some newspaper, as the said Court or Judge thereof shall direct, has been given to all persons interested in the matter, and that it will be to the benefit, interest, and advantage of such church, congregation, religious, moral, beneficial, literary, or scientific association or society, to make an order for the sale or mortgage of any real estate belonging to such corporation, or for the confirmation of any contract under which a valid lien may attach to said property; and it shall be lawful for any member of such church, congregation, association, or society, to



oppose, by affidavit or otherwise, the granting of such order; and it shall be lawful for said Court, at the time of making such order, directing the execution of a mortgage, also to make a further order, allowing such corporation to make and deliver with such mortgage, a bond or promissory note, under the corporate seal, and in the corporate name of such corporation, as evidence of the indebtedness, to secure which such mortgage is directed to be made; and it shall be the duty of said Court, when granting such order or orders, to direct therein the application of the moneys arising from such sale, or procured under such contract or upon such security as it shall be made to appear to said Court would be for the interest and advantage of such church, congregation, association, or society. (Amendment approved March 7th, 1859, p. 87.)

514. SEC. 180. Every corporation of the character aforesaid, heretofore incorporated in pursuance of law, and not since dissolved, shall be and is hereby established and confirmed, and shall be known by the name mentioned and specified in its certificate of association, as the name by which the Trustees shall be called; but the Board of Trustees or Directors may, at any time, make a certificate, under the hands of a majority of them, particularly stating and designating the name by which said incorporation or association shall thereafter be called and known, which certificate shall be acknowledged by the persons executing the same, before some officer authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Clerk of the county where the original certificate was recorded, and also in the county in which said church or association meet for the transaction of business; and the name so designated shall thereafter be the name of the said corporation. And

Same.

Certain  
corpo-  
rations  
confirmed.

Name.

To be  
recorded.

**Dissolution** in case of the dissolution of any such corporation, or any corporation hereafter to be formed in pursuance of the provisions of this Chapter, for any cause whatever, the same may be incorporated under the provisions of this Chapter at any time within six years after such dissolution, and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in said corporation, as if there had been no such dissolution. (Amendment approved April 8th, 1862, p. 125.)

**Powers of  
corporation**

515. SEC. 181. Such corporation may accept, receive, purchase, and hold real estate; and all the lands, tenements, and hereditaments that have been or may hereafter be, lawfully conveyed, by devise, gift, grant, purchase, or otherwise, to any person or persons, as Trustee or Trustees, for the use of said corporation or association, shall descend, with the improvements, upon the death of such person or persons, Trustee or Trustees, unless otherwise expressly provided in such devise, conveyance, or deed of trust to said corporation; *provided*, that the amount of real estate held by any such corporation, or association, shall never exceed the amount named in the following section. (Amendment approved April 8th, 1862, p. 125.)

**Real estate  
held by  
Trustees.**

516. SEC. 182. The real estate held by the Trustees in trust for such organization shall in no case exceed four whole lots in a town or city, or twenty acres in the country, nor shall the annual increase of such real and personal property held in trust by them exceed the sum of twenty thousand dollars; *provided*, that the Grand Lodge of the ancient order of Free and Accepted Masons, in this State, or any subordinate Lodge thereof, and the Society of California Pioneers may acquire and hold such property, real and personal, as may be deemed necessary by the proper authorities.

thereof to carry out the charitable purposes of said Grand Lodge, or subordinate Lodges, or said Society of California Pioneers, or for the establishment and endowment of a college, school or schools, libraries, cabinets, and other literary and scientific objects in said State, and for the necessary use and ceremonies of said Order and of said society, and may sue and be sued, and have a common seal, and such other general powers as are granted to corporations under an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty. (Amendment approved March 6th, 1863, p. 34; took effect from passage.)

517. SEC. 183. It shall be the duty of said Trustees annually to make a full report of all property, real and personal, held in trust by them, and of the condition of the corporation, to the society or association, by which they have been appointed or elected, a copy of which report shall be filed in the County Clerk's office where the original certificate is filed, with an affidavit of the truth of such report, and also that such association or corporation has not been engaged, directly or indirectly, in any other business than such as is set forth in the original certificate on file.

Trustees  
to report  
annually.

518. SEC. 184. Whenever the rules, regulations, and discipline of any religious denomination, society, or church require, for the administration of the temporalities thereof and the management of the estate and property thereof, it shall be lawful for the bishop, chief priest, or presiding elder of such religious denomination, society, or church, to become a sole corporation in the manner prescribed in this Chapter, as nearly as may be, and with all the powers and duties, and for the uses and purposes, in this Chapter provided for religious incorporations, and subject to all the conditions, limitations, and provisions in said Chapter

The bishop,  
chief priest,  
or presiding  
elder of a  
church  
may be  
a sole  
corporation

Acquisition  
of property.

prescribed; *provided*, that for proof of the appointment or election of such bishop, chief priest, or presiding elder, it shall be sufficient to record with the Clerk of the county in which such bishop, chief priest, or presiding elder resides, the original or a copy of his commission or certificate, or letters of election or appointment, duly attested, and that all property held by such bishop, chief priest, or presiding elder, shall be in trust for the use, purpose, and behoof of his religious denomination, society, or church, and that the limitation in section one hundred and eighty-two shall apply to incorporations formed under this section; and *provided, also*, that the District Judge of the district in which any incorporation is formed under this Chapter shall at all times have access to the books of such incorporation. (Amendment passed May 13th, 1854, p. 162.) •

Acts  
referred to.

### 519.

An Act concerning agricultural societies, approved March 12th, 1859, p. 104. See "AGRICULTURAL SOCIETIES."

The rights, privileges, and immunities granted by an Act approved May 18th, 1853, p. 274, are extended to the ancient Jewish Order of Keshershel Barsel, by Act approved March 21st, 1868, p. 201, and to the Independent Order of B'nai Brith, by Act approved March 25th, 1868, p. 310.

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*An Act to provide for the incorporation of such institutions of learning, science, and art, as may be established by the State.*

[Approved March 21, 1868, p. 204.]

[Enacting clause.]

Three  
Trustees  
may  
incorporate

520. SECTION 1. Whenever the Legislature shall provide by enactment for the creation of any State University, College, Academy, or other State institution of learning, science, or art, and shall, in and by such enactment, direct and provide for the creation of

a corporation for such purpose, any three of the persons named or indicated in and by such enactment as Trustees or Directors of such corporation, may unite in a certificate to the effect that they have associated themselves together for the purposes mentioned in and by such enactment, and to form a corporation for such purposes by the name and style designated in and by such enactment. The execution of such certificate shall be acknowledged before, and certified by the Secretary of State, or any Notary Public, and said certificate thereupon filed in the office of the Secretary of State; and thereupon the persons named therein, their associates and successors, shall become a corporation under the name and style designated in and by such enactment. Same.

521. SEC. 2. Every such corporation, as such, shall have power: Powers limited.

First—To have succession by its corporate name for the period limited; and where no period is limited, perpetually.

Second—To sue and be sued in any Court.

Third—To make and use a common seal, and alter the same at pleasure.

Fourth—To hold, purchase, and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited by law.

Fifth—To make by-laws, not inconsistent with any existing law, for the management of its property and the regulation of its affairs.

522. SEC. 3. In addition to the powers enumerated in the preceding section, no such corporation shall possess or exercise any corporate powers except such as shall be necessary to the exercise of the powers so enumerated and given, and such further powers as may be enumerated and given in and by the enactment providing for the creation of the institution so Further powers.

incorporated; and any and all provisions of such enactment specially limiting the powers of such corporation, shall be binding upon the same.

SEC. 4. This Act shall take effect from and after its passage.

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*An Act concerning corporations for charitable and beneficial purposes.*

[Approved April 4, 1870, p. 726.]

[Enacting clause.]

May  
incorporate

523. SECTION 1. Any Tribe of the Improved Order of Red Men, or the Great Council of the Improved Order of Red Men of California, or any similar Tribe, Lodge, or society instituted for purposes of charity, or the purpose of granting sick, funeral, or other benefits, may assume corporate powers and form themselves into a corporation, by filing with the County Clerk where they may be located, a certificate or statement signed by the presiding officer thereof, and the Secretary thereof, who keeps the minutes of the proceedings thereof, stating the title and the name of the presiding officer and the Secretary, the name by which said corporation shall be called and known, the county where said Tribe, Lodge, or society may be located (*provided*, in case of a Great Council, Grand Lodge, or State organization, that is not located in any particular county, but meets in different counties in this State, the certificate must state the same, and be filed in the office of the Secretary of State); and that said Tribe, Lodge, or society is formed for charitable or beneficial purposes, and not for any illegal, political, or immoral purpose whatever; and setting forth in said certificate a copy of the resolution of said Tribe, Lodge, or society requiring or directing said officers to acknowledge and file the proper certificate for pur-

poses of incorporation; and said certificate shall be acknowledged by said officers before some officer authorized to take the acknowledgment of deeds and conveyances.

524. SEC. 2. Said corporation shall have a common seal, and the same may be changed at the corporation's will and pleasure; and in and by its corporate name, may sue and be sued, acquire and hold real and personal property for the charitable and beneficial purposes of said society, and have the rights of corporations, and have and exercise all such rights, privileges, and immunities as by law are incident to corporations, and what may be necessary to the corporation herein constituted; and may make such constitutions, laws, and regulations as they may deem best, provided they are not contrary to law; and the proper officers to sign and acknowledge conveyances and contracts on behalf of said corporations shall be the presiding officer and the Secretary thereof.

Corporate  
powers.

SEC. 3. This Act shall take effect immediately.

Masonic Hall Association of San Francisco authorized to increase capital stock, Stats. 1866, p. 100.

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## ARTICLE XVI.

### ODD FELLOWS, TEMPERANCE HALLS, ETC.

SECTION 525. Corporate power of Odd Fellows.

526. Incorporation of Odd Fellows and temperance hall societies; powers.

527. May hold real and personal property.

528. Other powers.

529. Rights and privileges extended to German Society.

*An Act concerning the Independent Order of Odd Fellows.*

[Approved May 4, 1852, p. 172.]

[Enacting clause.]

Corporate  
power of  
Odd  
Fellows.

525. SECTION 1. The Grand Encampment of the Independent Order of Odd Fellows of the State of California, the Grand Lodge of the Independent Order of Odd Fellows of the State of California, and each of the subordinate Lodges thereof, are severally empowered to acquire and hold such property, real and personal, as may be deemed necessary to carry out the charitable purposes of said institution, and may sue and be sued, and shall have such other general powers as are granted to corporations under the law entitled "An Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty. (Amendment approved April 19th, 1856, p. 123.)

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*An Act to amend an Act relating to corporations.*

[Approved May 18, 1853, p. 274.]

[Enacting clause.]

Incorporation of Odd Fellows and temperance hall societies.

526. SECTION 1. Any ten or more persons, citizens of this State, may assume corporate powers for the purpose of erecting Odd Fellows' or temperance halls, or buildings for the purposes of the meetings of said societies, by filing a copy of their intention so to do with the County Recorder of any county wherein said societies exist, and may assume such corporate name as they may elect, and in that name may sue and be sued, and shall have the rights of corporations; may make such constitutions, by-laws, rules, and regulations as they may deem best; *provided*, that they are not



contrary to the Constitution and laws of this State.  
(Amendment passed May 13th, 1854, p. 237.)

527. SEC. 2. The said corporations may acquire and hold real and personal property not exceeding in value the sum of two hundred thousand dollars each; and as long as said property shall be held for the charitable purposes of the said societies, the same shall be free from taxation.

May hold  
real and  
personal  
property.

528. SEC. 3. That it shall be lawful for the said corporations to have a common seal for their use, and the same may be changed at their will, and shall in general have and exercise all such rights, privileges, and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporations herein constituted.

Other  
powers.

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*An Act supplementary to above Act.*

[Approved April 18, 1857, p. 208.]

[Enacting clause.]

529. SECTION 1. All the rights, privileges, and immunities granted by an Act entitled "An Act to amend an Act relating to corporations," passed May eighteenth, one thousand eight hundred and fifty-three, are hereby extended to and conferred upon the German General Benevolent Society of San Francisco, after said society shall have assumed corporate powers.

Rights and  
privileges  
extended  
to German  
Society.

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ARTICLE XVII.

ORPHAN, FOUNDLING, CEMETERY, AND OTHER SOCIETIES.

SECTION 530. Incorporation of benevolent societies; powers.

531. Elections, by-laws, etc.

532. Corporations for benevolent or educational purposes.

SECTION 533. Married women may be incorporators.

534. Powers of society.

535. Power to acquire land.

536. Corporate powers of Good Templars.

*An Act to further extend the Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved March 13, 1857, p. 75.]

[Enacting clause.]

Incorporation of benevolent societies.

530. SECTION 1. Any nine or more persons who may desire to act in concert for the care, protection, relief, or improvement of:

First—Orphans; or,

Second—Foundlings; or,

Third—Shipwrecked or destitute sailors; or,

Fourth—Sick and disabled or unprotected and needy persons; or,

Fifth—For the establishment and management of cemeteries; and who shall desire to form an incorporated society for the promotion of either of the said benevolent objects, may do so by complying with the provisions of Chapter eight of the Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty; and such benevolent societies incorporated under the provisions of said Act, and hereby extended, shall possess the same powers, be subject to the like liabilities, and enjoy the like privileges as therein provided; *provided*, that any corporation, established for purposes of forming or conducting of cemeteries, shall be competent to take and hold any quantity of land not exceeding three hundred and twenty acres.

Powers.

Elections, by-laws, etc.

531. SEC. 2. The corporations hereinbefore enumerated, shall have power to elect such officers, and such number of Directors, managers, or Trustees, and fill vacancies, and make such needful rules and regulations, to carry their benevolent objects into effect, and

they may by their Constitution and by-laws from time to time provide, and as shall not be inconsistent with any of the laws of the land.

The following Act, in its original form, appears to have been intended as a substitute for the foregoing; but as there is no express amendment or repeal of the Act of 1857, it still stands upon the statute book.

*An Act to further extend the Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved March 12, 1858, p. 57.]

[Enacting clause.]

**532. SECTION 1.** Any nine or more persons who may desire to act in concert for the care, protection, relief, or improvement of:

Corporations for benevolent or educational purposes.

**First**—Orphans; or,

**Second**—Foundlings; or,

**Third**—Shipwrecked or destitute sailors; or,

**Fourth**—Sick and disabled, or unprotected or needy persons; or for literary or educational purposes—and who shall desire to form an incorporated company or society for the protection of either of said benevolent or educational objects, may do so by complying with the provisions of Chapter VIII of the Act concerning corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty, and such benevolent and educational society, incorporated under the provisions of said Act, as hereby extended, shall possess the same powers, be subject to the like liabilities, and enjoy the like privileges as therein provided. (Amendment approved April 24th, 1858, p. 264.)

**533. SEC. 2.** Women, married or unmarried, may be incorporators, officers, and members of benevolent, literary, or educational incorporations, for the purposes herein aforesaid, and may transact the business there-

Married women may be incorporators.

Same.

of in the same manner and subject to the same liabilities as males. But no married woman shall have power to contract or incur any liability therein against her husband, nor shall any husband be liable, in any manner, for any debt or liability in any manner contracted or incurred, nor shall the common property of the husband and wife be in any manner affected by his wife becoming or acting as such corporator, except the same be specifically agreed to by the husband and wife, in writing. (Amendment approved April 24th, 1858, p. 264.)

Powers of society.

534. SEC. 3. The corporations hereinbefore enumerated shall have power to elect such officers and such number of Directors, managers, or Trustees, and fill vacancies, and make such needful rules and regulations, to carry their benevolent objects into effect, as they may, by their Constitution and by-laws, from time to time provide, and as shall not be inconsistent with any of the laws of this State.

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*An Act amendatory of and supplementary to the above Act.*

[Approved April 24, 1858, p. 264.]

[Enacting clause.]

[Sections 1 and 2 contain the amendments to Sections 1 and 2 of the foregoing Act, therein inserted.]

Power to acquire land.

535. SEC. 3. Any corporations formed under the provisions of said Act shall have the right to acquire, by purchase or otherwise, and to hold, any quantity of land not exceeding five hundred acres, with the improvements thereon; or if within the limits of any incorporated town, then not to exceed twenty acres with the improvements thereon.

*An Act concerning the Independent Order of Good Templars.*

[Approved March 26, 1863, p. 101.]

[Enacting clause.]

**536. SECTION 1.** The Grand Lodge of the Independent Order of Good Templars, or any subordinate Lodge thereof, which now is or may be hereafter incorporated under the laws of this State, may acquire and hold such property, real and personal, as may be deemed necessary to carry out the charitable purposes of said institution, and may sue and be sued, and shall have such other general powers as are granted to corporations under the law entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty.

Corporate  
powers of  
Good  
Templars.

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ARTICLE XVIII.

STEAM NAVIGATION COMPANIES.

**SECTION 537.** Certain persons may be formed into a corporation.

538. Incorporation.

539. Business of company to be managed by Directors.

540. Election after time prescribed.

541. President and officers to be elected, etc.

542. Directors may call in subscriptions.

543. Stock to be personal property.

544. Directors may make by-laws.

545. Certified copy of certificate of incorporation evidence.

546. Capital stock, when to be paid in; certificate of paid in capital to be filed.

547. Stockholders personally liable.

548. Capital may be increased or diminished.

549. Penalty for declaring dividends otherwise than out of profits.

550. Penalty for making false certificate or report.

*An Act concerning corporations.*

[Passed April 22, 1850, p. 347.]

## CHAPTER IX.

Certain  
persons  
may be  
formed  
into a  
corporation

537. SECTION 185. One or more persons, being subscribers to the stock of any contemplated company for the purpose of navigating the ocean or any bay, river, or stream within this State, with vessels propelled in whole or in part by steam, may be formed into a corporation for that purpose by complying with the following requirements: When stock to the amount of one fourth part of the whole capital stock of such company shall have been in good faith subscribed for, and ten per cent thereof actually paid in, they may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds in this State, a certificate in writing, and file the same in the office of the Secretary of State, and a duplicate thereof with the County Clerk of each county wherein may be situated the port or ports hereafter in this section mentioned, in which shall be stated the corporate name of said company, and the objects for which the company shall be formed; the amount of the capital stock of the said company, the amount subscribed for, and the amount actually paid in; the term of its existence, not to exceed fifteen years; the number of shares of which the said stock shall consist; the number of Directors or Trustees, and their names, who shall manage the concerns of the company for the first year, and the name of the port or ports in this State where the principal business of said company is to be transacted.

538. SEC. 186. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their succes-

sors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession, and be capable of suing and being sued in any Court of law or equity in this State; and they or their successors may have a common seal, and make and alter the same at pleasure; and they shall, by their corporate name, be capable in law of purchasing, holding, or conveying any real or personal estate whatever, which may be necessary to enable the said company to carry on the operations named in such certificate.

Incorpo-  
ration.

539. SEC. 187. The stock, property, and concerns of such company shall be managed by any number not exceeding fifteen Directors or Trustees, who shall respectively be stockholders in such company, and a majority of whom shall be residents of this State, and who shall, except the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of the company; and a public notice of the time and place of holding such election shall be published not less than twenty days previous thereto; and the election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in said company; and the persons receiving the greatest number of votes shall be Directors or Trustees as aforesaid; and when any vacancy shall happen among the Directors or Trustees, by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said company.

Business of  
company  
to be  
managed  
by  
Directors.

540. SEC. 188. In case it shall happen at any time that an election of Directors or Trustees shall not be made on the day designated by the by-laws of said company when it ought to have been made, the com-

Election  
after time  
prescribed.

pany, for that reason, shall not be dissolved, but it shall be lawful on any other day to hold an election for Directors or Trustees in such manner as shall be provided for by the said by-laws, and all acts of Directors or Trustees shall be valid and binding as against such company, until their successors shall be elected.

President  
and officers  
to be  
elected,  
etc.

541. SEC. 189. There shall be a President of the company, who shall be designated from the number of Directors or Trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Directors  
may call in  
subscriptions.

542. SEC. 190. It shall be lawful for the Directors or Trustees to call in, and demand from the stockholders respectively, all such sums of money by them subscribed, at such time or in such payments or installments as to them shall seem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders within forty-five days after a personal demand or notice requiring such payment shall have been made or published for two successive weeks in any newspaper where the business of the company shall be carried on as aforesaid.

Stock to be  
personal  
property.

543. SEC. 191. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company.

Directors  
may make  
by-laws.

544. SEC. 192. The Directors or Trustees of such company shall have power to make such prudential by-laws as they shall deem proper, for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of



this State, and prescribing the duties of officers, engineers, agents, and servants that may be employed; for the appointment of all officers, and for the carrying on of the business aforesaid.

545. SEC. 193. A copy of the certificate of incorporation, filed in pursuance of this Chapter, certified by the County Clerk or his deputy to be a true copy of the whole of such certificate, shall be received in all Courts and places as presumptive legal evidence of the incorporation of such company, if the same shall comply with the provisions of this Chapter.

Certified  
copy of  
certificate  
of incor-  
poration  
evidence.

546. SEC. 194. The capital stock in said corporation, fixed and limited, shall all be paid in, one half thereof within one year, the other half thereof within two years, from the incorporation of said company, or such corporation shall be dissolved; and certificates of its having been so, as aforesaid, paid, shall be signed and sworn to by the President and a majority of the Trustees, before some person authorized to administer oaths, and filed in the office of the Clerk or Clerks where the original certificate aforesaid shall have been filed, within thirty days after the same shall have been paid as aforesaid.

Capital  
stock,  
when to  
be paid in.

Certificate  
of paid in  
capital to  
be filed.

547. SEC. 195. Each stockholder in any company formed under the provisions of this Chapter, shall be personally liable for all debts and liabilities of said company, in proportion to the amount of stock by him held at the time such debts or liabilities shall have been incurred; but no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any such debt or liability, unless the same shall be commenced within one year from the time he shall have ceased to be a stockholder in such company, nor until an execution against the com-

Stock-  
holders  
personally  
liable.

pany shall have been returned unsatisfied in whole or in part.

Capital may be increased or diminished.

548. SEC. 196. Any corporation formed under the provisions of this Chapter may, at any time, by a vote representing two thirds of all its stockholders, increase or diminish its capital, by filing a new certificate, similar in other respects to the original one, and an affidavit of the President and a majority of the Directors or Trustees, that the new stock has been paid in, within thirty days thereafter, in the office of the Clerk of the county where their principal place or places of business are situated, except that the term of office of the existing Directors shall not be thereby shortened or enlarged.

Penalty for declaring dividends otherwise than out of profits.

549. SEC. 197. If the Directors or Trustees of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would reduce the amount of the capital stock, all the Directors or Trustees voting to declare the same, shall be jointly and severally liable for all the debts of the company then existing.

Penalty for making false certificate or report.

550. SEC. 198. If any certificate, report made, or public notice given by the officers of any such company, in pursuance of the provisions of this Chapter, be false in any material representation, any and all such officers who shall have signed the same, knowing it to be false, shall be deemed guilty of a misdemeanor, and shall be dismissed from office; and on conviction thereof, before any Court having jurisdiction, be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term of time not exceeding twelve months, at the discretion of the Court.

## ARTICLE XIX.

## RURAL CEMETERY ASSOCIATIONS.

SECTION 551. Seven persons may incorporate.

552. File a certificate.

553. Powers of association.

554. Powers as to lands.

555. Election of Trustees.

556. Report; elections.

557. Purchase of grounds and issue of bonds.

558. Vandalism.

559. Embellishing.

560. Exemption from taxation.

561. Laid off in lots; proviso.

562. Lot owners previous to purchase.

*An Act to authorize the incorporation of rural cemetery associations.*

[Approved April 28, 1859, p. 281.]

[Enacting clause.]

551. SECTION 1. Any number of persons residing in this State, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands, to be used exclusively for a cemetery or place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a Chairman or Secretary by a vote of the majority of the persons present at the meeting, and proceed to form an association by determining on a corporate name by which the association shall be called and known, by determining on the number of Trustees to manage the concerns of the association, which number shall not be less than six nor more than twelve, and thereupon may proceed to elect, by ballot, the number of Trustees so determined on; and the Chairman and Secretary shall, immediately after such election, divide the Trustees by lot into three classes: those in the first class to hold their office one year; those in the second class, two years; and those in the

Seven  
persons  
may incor-  
porate.

third class, three years; but the Trustees of each class may be reëlected if they shall possess the qualifications hereinafter mentioned. The meeting shall also determine on what day in each year the future annual elections of Trustees shall be held.

File a  
certificate.

552. SEC. 2. The Chairman and Secretary of the meeting shall, within three days after such meeting make a written certificate and sign their names thereto, and acknowledge the same before an officer authorized to take proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates determined upon by the majority of the persons who met; the number of Trustees fixed on to manage the concerns of the association; the names of the Trustees chosen at the meeting, and their classification, and the day fixed on for the annual election of Trustees; which certificate it shall be the duty of the Chairman and Secretary of such meetings to cause to be filed and recorded in the office of the County Clerk of the county in which the cemetery grounds are situated, in a book to be appropriated to the recording of certificates of incorporation.

Powers of  
association.

553. SEC. 3. Upon such certificate, duly acknowledged and filed as aforesaid, being recorded, the association mentioned therein shall be deemed legally incorporated, and shall be a body politic and corporate, in fact and in name, by the name stated in the certificate, and by their corporate name have succession and power:

First—To sue and be sued in any Court.

Second—To make and use a common seal, and alter the same at pleasure.

Third—To purchase, hold, sell, and convey such real and personal estate as the purposes of the incorporation shall require.

Fourth—To appoint such officers, agents, and servants as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation. Same.

Fifth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no Trustee shall be removed from office unless by a vote of two thirds of the whole number of Trustees, or by a vote of a majority of the Trustees, on a written request, signed by one half of the lot owners.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company, the management of the property, regulation of its affairs, and for carrying on all kinds of business within the object and purposes of the company. The affairs and property of such associations shall be managed by the Trustees, who shall annually appoint, from among their number, a President and Vice President, and shall also appoint a Secretary and Treasurer, who shall hold their places during the pleasure of the Board of Trustees; and the Trustees may require the Treasurer to give security for the faithful performance of the duties of his office.

554. SEC. 4. Any association incorporated under this Act may take, by purchase or devise, and hold, within the county in which the certificate of their incorporation is recorded, not exceeding three hundred and twenty acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead. Such land, or such parts thereof as may from time to time be required for that purpose, shall be surveyed and subdivided into lots or plats of such size as the trustees may direct, with such avenues, paths, alleys, and walks as the Trustees deem proper; and a map or maps of such surveys shall be filed in the office of Powers as to lands.

**Same.** the County Recorder of the county in which the land shall be situated. And after filing such map the Trustees may sell and convey the lots or plats designated upon such map, upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances, as the Trustees shall prescribe—the conveyance to be executed under the common seal of the association, and signed by the President or Vice President and the Treasurer of the association. Any association incorporated under this Act may hold personal property to an amount not exceeding five thousand dollars besides what may arise from the sale of lots or plats.

**Election of Trustees.**

555. SEC. 5. The annual election for Trustees, to supply the places of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the Trustees shall direct; at which election shall be chosen such number of Trustees as will supply the places of those whose term expires. The Trustees chosen at any election subsequent to the first, shall hold their places for three years, and until others shall be chosen to succeed them. The election shall be by ballot, and every person of full age, who shall be the proprietor of a lot or plat in the cemetery of the association, containing not less than two hundred square feet of land, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot, of the dimensions aforesaid; and the persons receiving a majority of all the votes given at such election, shall be Trustees, to succeed those whose term of office expires. But in all elections after the first, the Trustees shall be chosen from among the proprietors of lots or

plats, and the Trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office. Public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

556. SEC. 6. The Trustees, at each annual election, shall make reports to the lot proprietors of their doings, and of the management and condition of the property and concerns of the association. If the annual election shall not be held on the day fixed in the certificate of incorporation, the Trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place at which time the election may be held, with like effect as if holden on the day fixed on in the certificate; the office of the Trustees chosen at such time, to expire at the same time as if they had been chosen at the day fixed by the certificate of incorporation.

Report.

Elections.

557. SEC. 7. After its formation, in the manner provided in the preceding section, the corporation shall proceed to purchase suitable grounds for the proposed cemetery, and to the vendor thereof they are authorized to issue the bonds of the corporation for the amount of the purchase money, bearing interest not exceeding the rate of twelve per cent per annum, but payable out of sixty per cent of the proceeds of the cemetery, as the same shall be realized, and not otherwise. Sixty per cent at least of the proceeds of all sales of lots, plats, or graves, shall be first appropriated to the payment of the said bonds and interest aforesaid, payable at least once in three months to the bondholders, until all are paid, and the residue thereof to be used in preserving, improving, and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defray the incidental expenses

Purchase  
of grounds  
and issue  
of bonds.

Same.

of the cemetery establishment; and after the payment of the purchase money and interest aforesaid, and all debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be appropriated to the improvement, embellishment, and preservation of such cemetery, and for incidental expenses, and to no other purpose or object; *provided*, that any association incorporated under this Act, by the members of the Order of Free and Accepted Masons, the Independent Order of Odd Fellows, or by the members of any other benevolent or charitable society in the City and County of San Francisco, may apply the surplus or net income of said cemetery association to the Board of Relief or other committee, established by such order or society for the purposes of charity. (Amendment approved January 13th, 1864; took effect from passage.)

Vandalism

558. SEC. 8. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, building, or other structure, placed in any cemetery of any association incorporated under this Act, or any fence, railing, or other work, for the protection or ornament thereof, or of any tomb, monument, or gravestone, or other structure aforesaid, or of any plat or lot within such cemetery, or shall willfully destroy, cut, break, or injure any tree, shrub, or plant within the limits of the cemetery, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought, in all such cases, in the name of such association, to pay all such damages as shall have been occasioned by his unlawful act or acts. Such money, when recovered, shall be applied by the Trustees to the reparation or restoration of the property so destroyed or injured.



559. SEC. 9. Any association incorporated pursuant to this Act, may take and hold any property, real or personal, bequeathed or given upon trust, to apply the income thereof, under the direction of the Trustees of such association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences, or walks, erected or to be erected upon the lands of such cemetery association, or upon the lots or plats of any of the proprietors; or for the repair, preservation, erection, or removal of any tomb, monument, gravestone, fence, railing, or other erection on or around any cemetery lot or plat, or for planting or cultivating trees, shrubs, flowers, or plants in or around any such lot or plat, or for improving or embellishing such cemetery, or any of the lots or plats, in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise, or bequest.

Embellishing.

560. SEC. 10. The cemetery lands and property of any association, formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery; and during that time no street, road, avenue, or thoroughfare shall be laid through such cemetery, or any part of the lands held by such association, for the purposes aforesaid, without the consent of the Trustees of such association, except by special permission of the Legislature of the State.

Exemption from taxation.

Laid off  
in lots.

Proviso.

561. SEC. 11. Whenever the said lands shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietors thereof, descend to the heirs at law of such holder or proprietor, and to their heirs at law forever; *provided*, nevertheless, that any one or more of such heirs at law may release to any other of the said heirs at law his, her, or their interest in the same, on such conditions as shall be agreed on and specified in such release, which release shall be recorded with the County Recorder of the county within which the said cemetery shall be situated; and, *provided further*, that the body of any deceased person shall not be interred in such lot or plat, unless it be the body of a person having at the time of such decease an interest in such lot or plat, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot or plat.

Lot owners  
previous to  
purchase.

562. SEC. 12. In case the grounds purchased for cemetery purposes, in accordance with section seven of this Act, shall have been used as a cemetery previous to such purchase, then those who are lot owners at the time of the purchase, shall have and be entitled to all the privileges they would be entitled to by purchase from a corporation formed as aforesaid.

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## ARTICLE XX.

### HOMESTEAD ASSOCIATIONS.

SECTION 563. Formation of associations authorized.

564. Articles of association.

565. Certificate; general provisions.

SECTION 566. Payment of subscriptions.

567. Power to borrow money; limit of loan; loans for completion of purchase.

568. Parents and guardians; married women.

569. Termination of corporation.

570. Fraud; liabilities.

571. Annual report.

572. Liabilities of stockholders.

573. Stock held by Trustees, etc.

574. Representation of stock held in trust.

575. Election of Trustees.

576. May increase or diminish stock.

577. Proceedings to increase or diminish stock.

578. Vote.

579. Copy of certificate to be legal evidence.

580. Limit of loan.

581. By-laws and regulations.

582. Powers of Legislature.

583. Shares exempt.

584. Associations entitled to benefit of this Act.

585. Acts repealed.

586. Sale of stock of delinquents.

587. Application of Act.

*An Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads.*

[Approved May 20, 1861, p. 567.]

[Enacting clause.]

563. SECTION 1. Any number of persons, not less than seven, may associate and form themselves into an incorporated company for the purpose of accumulating a fund for the purchase of real estate in large tracts, paying off incumbrances thereon, the improvement thereof, and the subdivision thereof into lots and parcels suitable for homesteads, and the distribution of such lots or parcels among the shareholders, or to aid its shareholders in acquiring real estate, making improvements thereon, and removing incumbrances therefrom.

Formation  
of asso-  
ciations  
authorized

564. SEC. 2. Such persons shall severally subscribe articles of association, in which shall be set forth

Articles of  
association.

the name and object of the corporation; the time, not to exceed ten years, for which the same is limited to exist; the amount of the capital stock and the number of shares into which it is proposed to be divided; the number of Directors and other officers, their terms of office and duties; and such other regulations as may be necessary to enable the corporation to carry on its business and accomplish its objects, and how amendments thereto may be made. (Amendment approved March 30th, 1868, p. 539; took effect from passage.)

Certificate.

565. SEC. 3. A certificate in writing, duly signed and acknowledged by three or more of the persons proposing to form such corporation, before some officer competent to take the acknowledgment of deeds, in which shall be set forth the corporate name of the association, its objects, the amount of the capital stock, and of the fund to be raised, the number of shares, the time of its existence, not to exceed ten years, the number of Trustees or Directors who shall manage the concerns of the association for the first three months of its existence; and their names, and the name of the city, town, or county in which the office or principal place of business is to be located, shall be filed in the office of the County Clerk of the county in which the office or principal place of business is intended to be located, and a copy thereof, duly certified under the hand and seal of such County Clerk, in the office of the Secretary of State of the State of California; and thereupon the persons who have subscribed the said certificate, and such other persons as shall become members of such association, and their successors, shall be a body corporate by the name specified in said certificate, and shall possess the power and privileges, and be subject to the provisions of an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the various Acts amendatory of and sup

General  
provisions.

plemental thereto, so far as the provisions therein contained are consistent with the provisions of this Act, and no further; and they shall, by their corporate name, be capable in law of purchasing, holding, and conveying any personal property or estate whatever which may be necessary to enable said association to carry on the operations named in such certificate. (Amendment approved March 30th, 1868; took effect from passage.)

566. SEC. 4. It shall be lawful for the Trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the articles of association shall prescribe, under the penalty of forfeiture of the shares of stock subscribed for, and all deposits, assessments, and previous payments made thereon and towards the principal funds of the association, and the property acquired therewith and owned by the association, if payment shall not be made by the stockholders within ten days after a personal demand or notice requiring such payment shall have been published at least thirty days in a newspaper of general circulation in the city, town, or county where the office or principal place of business of such corporation is located, or in the newspaper published nearest to the place where the business of the company shall be carried on as aforesaid; but the articles of incorporation may prescribe other penalties than such forfeiture, upon such failure to meet the payments of deposits, assessments, and installments, in which case such provisions shall govern and may be legally enforced. No holder of shares shall claim to be exempt from making monthly or other payments, provided for in the articles of association, or installments upon the said shares, upon the ground that amounts have been paid by said shareholders as fines for the non-

Payment of  
subscriptions.

payment of dues, or other violation of the articles of association, or of any premium for loans made to members, or advance price for property bid by such member. (Amendment approved April 4th, 1864; took effect immediately.)

Power to  
borrow  
money.

567. SEC. 5. All corporations formed under this Act shall have power to borrow money for temporary purposes, not inconsistent with the objects of their organization, and to loan to their own members or other persons any moneys belonging to such corporation and not needed for immediate use, but no loan for such purpose shall have a longer duration than two years, nor shall such indebtedness exceed at any one time one fourth of the aggregate amount of the shares and parts of shares and the income thereof actually paid in and received. Such corporations, however, for the purpose of completing the purchase of land, may borrow upon the security of their shares, or the land so purchased, or the land owned and held by them at the time of making such loan or loans, any sum or sums of money which, together with the interest to grow due thereon, shall not exceed ninety per cent of the amount subscribed by the shareholders and still remaining to be paid in upon the shares; but no loan shall be taken for a longer period than the time limited in the articles of association for the existence of the corporation, nor shall the interest to be paid upon such loans ever be compounded, or exceed in the aggregate the rate of twelve per cent per annum; and upon the final settlement of the affairs of the association, or upon the termination of its corporate existence, the Trustees, in such manner as they may determine, shall divide its property among its shareholders in proportion to their respective interests, or upon the application of a majority in interest of the stockholders, shall sell and dispose of any or all of the real estate of said

Limit of  
loan.

corporation, upon such terms as they deem most conducive to the interests of all the stockholders, and shall convey the same to the purchaser, and distribute the proceeds among the shareholders, or may at any time that in their judgment may seem best for the interest of all the shareholders, cause the lands of the corporation to be subdivided into lots and distributed, and sold for premiums by auction among the shareholders. The Directors may demand payment of the premiums on lots at the time they are bid, and if not so paid on any lot of land, may immediately offer the same for sale again. If the Directors shall not require immediate payment of such premiums, and any shareholder shall fail to pay the amount bid by him on any lot or lots of land, on the day the same is made due and payable, the Directors may advertise and sell the share or shares of stock representing the lot or lots of land on which said premiums remain unpaid, in the manner in this Act provided for the sale of shares on account of delinquent installments and premiums. (Amendment approved March 29th, 1870; took effect immediately.)

Loans for  
completion  
of purchase

568. SEC. 6. Parents and guardians may take and hold shares in such associations in behalf and for the use of their minor children or wards; *provided*, the cost of such shares, and the amount of deposits and assessments thereon, be paid from the personal earnings of such minor children or wards, or by gifts from persons other than their male parents. Married women may take and hold shares in such associations; *provided*, the cost of such shares, and the amount of deposits and assessments be paid from their personal earnings, the personal earnings of their children, voluntarily bestowed for this purpose, or from property bequeathed or given to them by persons other than their husbands.

Parents  
and  
guardians.

Married  
women.

Termination of corporation.

569. SEC. 7. Every such corporation shall terminate, except for the purpose of settling its affairs, at the expiration of the time stated in the articles of association for its existence, or whenever it is dissolved in the manner provided in the articles of association; but no dividend of the funds on hand belonging to the corporation, or the proceeds of property owned by the corporation, shall be paid to the shareholders upon such dissolution until all the debts of the association shall have been paid or otherwise sufficiently provided for.

Fraud.

570. SEC. 8. No officer, Trustee, attorney, agent, or servant of any association incorporated under the provisions of this Act, shall use or dispose of any part of the funds of such association, or assign, transfer, cancel, deliver up, or acknowledge satisfaction of any bond, mortgage, or other written instrument belonging to such association, unless duly authorized, or be guilty of any fraud in the performance of his duties; and every person guilty of a violation of this section shall be liable civilly to the party injured, to the extent of the damage thereby incurred, and shall also be liable to indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the Court by which it shall be tried.

Liabilities.

Annual report.

571. SEC. 9. Each association formed under the provisions of this Act shall, at the close of its first year's operations, and annually at the same period in each year thereafter, publish in at least one newspaper of general circulation, published in the city, town, or county where the principal office or place of business of such corporation is located, or if no newspaper shall be published in such county, then in any newspaper of general circulation, published nearest such office or principal place of business, a concise statement, verified on the oath of its President and



Secretary, showing the actual financial condition of the association and the amount of its property and liabilities, specifying the same particularly.

572. SEC. 10. All shareholders of any association formed under the provisions of this Act shall be individually liable to the creditors of such association to an amount equal to the amount of stock held by them respectively, for all debts contracted by such association. The Directors or other officers of every association formed under the provisions of this Act shall be personally liable for any fraudulent use, disposition, or investment of any money or other property belonging to such association, or for any loss which shall be incurred by any investment made by such Directors or other officers, other than such as are mentioned in and authorized by the articles of association; but no Director or other officer of any such association shall be liable as aforesaid, except he authorized, sanctioned, approved, or made such fraudulent use, disposition, or investment as aforesaid.

Liabilities  
of stock-  
holders.

573. SEC. 11. No person holding stock in any corporation, as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, or intestate, or the ward, or person interested in such trust fund, would have been if he or she had been living and competent to act, and held the same stock in his or her own name.

Stock  
held by  
Trustees,  
etc.

Represent-  
ation of  
stock held  
in trust.

574. SEC. 12. Every such executor, administrator, guardian, or trustee, shall have the right of having the share or shares of stock in his hands, represented at all meetings of the company, subject to the provisions of the articles of association; and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Election of  
Trustees.

575. SEC. 13. In case it shall happen, at any time, that an election of officers shall not be made on the day designated by the by-laws, or articles or association of said corporation, as the time for holding such election, the corporation shall not for that reason be dissolved, but it shall be lawful, on any other day thereafter, to hold an election for Trustees, or other officers, in such manner as shall be provided for by the said by-laws or articles of association; and all acts of Trustees, or other officers, shall be valid and binding as against such company until their successors are elected and qualified.

May  
increase or  
diminish  
stock.

576. SEC. 14. Any corporation which may be formed under the provisions of this Act, may increase or diminish its capital stock, by complying with the provisions of this Act, to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

577. SEC. 15. Whenever any such corporation shall desire to call a meeting of the stockholders, for the purpose of increasing or diminishing the amount

of its capital stock, it shall be the duty of the Trustees to publish a notice, signed by at least a majority of them, in a newspaper of general circulation, published in the city, town, or county where the principal office or place of business of such corporation is located, if any such be published therein, at least ten days, and to deposit a written or printed copy thereof in the Post Office, addressed to each shareholder at his usual place of residence, at least ten days previous to the day fixed upon for holding such meeting, specifying the object of the meeting, the time and place, when and where, such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital; and a vote of at least two thirds of all the shares of stock issued shall be necessary to an increase or diminution of the amount of its capital stock.

Proceed-  
ings to  
increase  
or diminish  
stock.

578. SEC. 16. If, at any time and place specified in the notice provided for in the preceding section of this Act, stockholders shall appear in person, or by proxy, in numbers representing not less than two thirds of all the shares of stock issued by the corporation, the meeting shall organize and proceed to a vote of those present, in person, or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with the provisions of this Act, the amount of capital actually paid in, the whole amount of debts and liabilities of the corporation, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the Chairman, and attested by the Secretary of the meeting; and such certificate shall be acknowledged by the Chairman, and filed as required by the third section of this Act; and when so filed, the capital stock of

Vote.

such corporation shall be increased or diminished to the amount specified in such certificate.

Copy of  
certificate  
to be legal  
evidence.

579. SEC. 17. The copy of any certificate of incorporation, filed in pursuance of this Act, certified by the County Clerk or his deputy to be a true copy of such certificate, and the whole thereof, shall be received in all Courts and places as presumptive legal evidence of the facts therein stated.

Limit of  
loan.

580. SEC. 18. No loan made by any such association to any of its members may exceed in amount the par value of the capital stock for which such member may have subscribed, together with the other payments remaining to be made upon such share or shares, as provided in the articles of association.

By-laws  
and regu-  
lations.

581. SEC. 19. The Trustees of such corporations shall have power to make such prudential by-laws and regulations as they shall deem proper for the management and disposition of the stock and business affairs of such corporation not, inconsistent with the laws of this State or the articles of association, and prescribing the duties of officers and servants that may be employed, for the appointment of officers and agents, for the security of the funds of the corporation, and for carrying on all kinds of business within the scope of the objects and purposes of such corporation.

Powers of  
Legislature

582. SEC. 20. The Legislature may at any time alter, amend, or repeal this Act, or may annul or repeal any incorporation formed or created under this Act, but such amendment or repeal shall not, nor shall the dissolution of any company, take away or impair any remedy given against such corporation, its stockholders, or officers, for any liability which shall have been previously incurred.

583. SEC. 21. The shares held by the members of all associations incorporated under the provisions of this Act, together with any amounts of deposits or assessments, shall be exempt from attachment or sale on execution for debt, to an extent not exceeding one thousand dollars in such shares, deposits, or assessments, at their par value; *provided*, the person holding such shares is not the owner of a homestead under the homestead laws of this State.

Shares  
exempt.

584. SEC. 22. Any existing association formed for the purpose mentioned in the first section of this Act, may, by a vote of a majority of the voting shares, at any regular meeting, or meeting specially called, as provided in the articles of association, after the passage of this Act, become entitled to the benefit of this Act, on complying with the second and third sections thereof, unless the second section of this Act has heretofore been complied with, in which case it shall be necessary to comply with the provisions of the said third section only.

Associa-  
tions  
entitled to  
benefit of  
this Act.

585. SEC. 23. All Acts or parts of Acts conflicting with the provisions of this Act, are hereby repealed.

Acts  
repealed.

SEC. 24. This Act shall take effect and be in force from and after its passage.

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*An Act supplementary to foregoing Act. .*

[Approved April 4, 1864, Stats. 1863-4, p. 492.]

[Enacting clause.]

[Section 1 contains the amendment to Sec. 4 of the foregoing Act, therein inserted.]

586. SEC. 2. Whenever, after publication of notice for thirty days, as provided for in section four of the Act to which this is supplementary, any shares

Sale of  
stock of  
delin-  
quents.

of stock shall be declared forfeited by resolution of the Board of Trustees, it shall be lawful for the Trustees to advertise the same for sale, giving the name of the subscriber and the number of shares, by notice of not less than three weeks, to be published at least once a week in one newspaper of general circulation in the city, town, or county where the office or principal place of business of such corporation is located, or in case no newspaper shall be there published, then in the newspaper published nearest to the place where said office or principal place of business shall be carried on as aforesaid; and such sale shall be made at auction, under the direction of the Secretary of the company. At such sale the corporation may be a bidder, and the shares shall at such sale be disposed of to the highest and best bidder, for cash. No defect in the organization of the corporation, and no informality or irregularity in the proceedings respecting the sale, shall affect the validity thereof; *provided*, notice shall have been given by publication as herein provided. After said sale is made, the Secretary shall, on receipt of the purchase money, transfer to the purchaser the shares sold, and after deducting from the proceeds of such sale all installments then due and all expenses and charges of sale, shall hold the residue of said proceeds subject to the order of the delinquent subscriber. (Amendment approved March 30th, 1868, p. 539; took effect from passage.)

Applica-  
tion of  
Act.

587. SEC. 3. The provisions of this Act shall apply to all corporations heretofore or hereafter organized under the Act to which this Act is supplementary.

SEC. 4. This Act shall take effect immediately.

An Act was approved to change place of business of San Justo Homestead Association, Stats. 1870, p. 40.

ARTICLE XXI.

SAVINGS AND LOAN SOCIETIES.

**SECTION 588.** Savings and loan societies.

- 589. Number of corporators; form of certificate.
- 590. Certified copy of certificate evidence.
- 591. Incorporation; powers.
- 592. Loans made, how.
- 593. Officers; elections.
- 594. Deferred elections.
- 595. Meetings.
- 596. Majority of Directors may transact business.
- 597. Acts declared unlawful.
- 598. By-laws.
- 599. Not to issue bills, etc.
- 600. Purchase of real estate; restrictions.
- 601. Married women may hold stock.
- 602. Minor depositors; married women.
- 603. Statement of deposits.
- 604. Capital stock.
- 605. Acts not lawful.
- 606. Increase of capital stock.
- 607. Certificate of proceeding for increase of stock.
- 608. Stock to be personal estate.
- 609. Issuance.
- 610. Stock may be pledged.
- 611. Dissolution of corporation.
- 612. Powers of Directors after dissolution.
- 613. Misnomer.
- 614. How societies may become incorporated.
- 615. Acts repealed.
- 616. May receive deposits from minors and married women.
- 617. Directors may pay deposits to minors; to married women; to authorized agent of any society.
- 618. Receipts valid.
- 619. Renewal of term of existence.
- 620. Certificate of renewal to be filed.
- 621. Inoperative.
- 622. May issue transferable certificates of deposit; special certificates.
- 623. Repealed Acts.

*An Act to provide for the formation of corporations for the accumulation and investment of funds and savings.*

[Approved April 11, 1862, p. 199.]

[Enacting clause.]

Savings  
and loan  
societies.

588. SECTION 1. Corporations, for the purpose of aggregating the funds and savings of the members thereof and others, and preserving and safely investing the same for their common benefit, may be formed according to the provisions of this Act; and such corporations, and the members and stockholders thereof, shall be subject to all the conditions and liabilities herein imposed, and to none other.

Number of  
corporators

589. SEC. 2. Any five or more persons, who may desire to form an incorporated company for the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof in the office of the Secretary of State, a certificate, in writing, in which shall be stated the corporate name of the corporation, the object for which the corporation shall be formed, the time of its existence, not to exceed fifty years, the number of Directors, and their names, who shall manage the affairs of the company for the first six months, and the name of the city, or town, and county in which the principal place of business of the company is to be located.

Form of  
certificate.

Certified  
copy of  
certificate  
evidence.

590. SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be



received in all Courts, actions, proceedings, and places, as presumptive evidence of the facts therein stated.

591. SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and such persons as may thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name have succession for the period limited, and power:

Incorporation.

First—To sue and be sued in any Court.

Powers.

Second—To make and use a common seal, and to alter the same at pleasure.

Third—To purchase, hold, sell, convey, and release from trust or mortgage such real or personal estate as hereinafter provided in this Act.

Fourth—To appoint such officers, agents, and servants, as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation, and to require of them such security as may be thought proper for the fulfillment of their duties.

Fifth—To loan and invest the funds of the corporation, to receive deposits of money, and to loan and invest the same; to collect the same, with interest, and to repay such deposits, without interest, or with so much of the earnings and interest as the by-laws of the corporation may provide.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company and the management of its property, the regulation of its affairs, the conditions on which deposits shall be received, the time and manner of dividing the profits, and the time and manner in which any person may come or may cease to be a member of the corporation, and for carrying on all kinds of business within the objects and purposes of the company. (Amend-

ment approved March 12th, 1864; Stats. 1863-4, p. 158.)

Loans  
made,  
how.

592. SEC. 5. No corporation formed under this Act shall loan any money without adequate security on real and personal property, except when any such corporation shall, by a by-law to that effect, adopted by a two-third vote of all the stock of the company subscribed and taken, authorize the making of loans to persons of reputed solvency, when ordered by a vote of not less than three fourths of all the Directors thereof; *provided*, that this exception shall apply only to corporations having a capital stock or reserved fund, or both capital stock and reserved fund paid in, of not less than three hundred thousand dollars; and no deposits shall be loaned or invested for a period exceeding six years. (Amendment approved March 12th, 1864; Stats. 1863-4, p. 158.)

Officers.

593. SEC. 6. The corporate powers of the corporation shall be exercised by a Board of not less than five Directors, residents of this State, and a majority of them citizens of the United States, who shall be holders of stock, each to such amount and under such conditions as the by-laws may prescribe (if a capital stock is provided for in the certificate of incorporation), or members, each having deposits with the corporation to the amount of at least one hundred dollars (if the company has no capital stock). All Directors to hold office after the expiration of the term of the Directors named in the certificate of incorporation shall be annually elected, at such time and place, and in such mode, and upon such notice, as shall be directed by the by-laws of the company. All such elections shall be by ballot, and each stockholder, who shall be a member and shall have signed the by-laws, shall be entitled to such number of votes as shall be fixed by the by-laws, not exceeding one vote for every

Elections.

share of stock held by him; and the by-laws may provide what qualifications shall entitle a member, not stockholder, or the members of a corporation having no stock, to a vote, and the persons receiving the greatest number of votes shall be Directors. The President of the corporation, who shall also be the President of the Board of Directors, shall be chosen by said Board from among their own number. When any vacancy shall occur in the Board of Directors, by death, resignation, or otherwise, it shall be filled for the remainder of the term in such manner as may be prescribed by the by-laws of the company. Same.

594. SEC. 7. If it should happen at any time that an election of Directors shall not be made on the day designated by the by-laws of the company, the corporation shall not, for that reason, be dissolved, but it shall be lawful, on any other day, to hold an election for Directors, in such manner as shall be provided for by the by-laws of the company, and the Directors shall be continued in office until their successors shall be elected. Deferred elections.

595. SEC. 8. The call for the first meeting of the Directors shall be signed by one or more persons named Directors in the certificate, setting forth the time and place of meeting, which notice shall be delivered personally to each Director, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper is published in the county, then in the newspaper nearest thereto. Meetings.

596. SEC. 9. A majority of the whole number of Directors shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, or a larger number, if the by-laws shall so require, shall be valid as a cor- Majority of Directors may transact business.

porate act. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 531; took effect from passage.)

Acts  
declared  
unlawful.

597. SEC. 10. It shall not be lawful for the corporation or the Directors to make any dividend, except from the surplus profits arising from the business of the corporation, and the Directors shall, at such times and in such manner as the by-laws shall prescribe, declare and pay dividends of so much of the profits of the company, and of the interest arising from the capital stock and deposits, as may be appropriated for that purpose by the provisions of the by-laws; and it shall not be lawful for the corporation or the Directors to contract any debt or liability against the corporation for any purpose whatever, except for deposits, but the capital stock and the assets of the corporation shall be a security to depositors who are not stockholders, and the by-laws may provide that the same security shall extend to deposits made by stockholders. (Amendment approved March 4th, 1870, p. 130; took effect from passage.)

By-laws.

598. SEC. 11. Corporations formed under this Act, may prescribe, by their by-laws, the time and conditions on which repayment is to be made to depositors, but whenever there is any call by depositors for repayment of a greater amount than the corporation may have disposable for that purpose, it shall not be lawful for the Directors or officers to make any new loans or investments of the funds of the depositors, or of the earnings thereof, until such excess of call shall have ceased. And the Directors of any corporation formed under this Act, and having no capital stock, shall retain, on each dividend day, at least five per cent of the net profits of the corporation, to constitute a reserve fund, which shall be invested in the same manner as other funds of the corporation, and shall be used towards paying any losses which the corporation may

sustain in the pursuance of its lawful business; and the corporation may provide, by its by-laws, for the disposal of any excess in the reserve fund over one hundred thousand dollars, and the final disposal, upon the dissolution of the corporation, of the reserve fund, or of the remainder thereof, after payment of losses.

599. SEC. 12. No corporation formed under this Act shall, by any implication or construction, be deemed to possess the power of creating and issuing bills, notes, or other evidences of indebtedness, for circulation as money. Not to issue bills, etc.

600. SEC. 13. The real and personal estate which it shall be lawful for any such corporation to purchase, hold, and convey, shall be: Purchase of real estate.

First—The lot and building in which the business of the company may be carried on; *provided*, that the cost of the same shall not exceed one hundred thousand dollars, except on a vote of two thirds of the stockholders, in which case it shall be lawful for such corporation to increase the sum to be invested for such purpose to two hundred and fifty thousand dollars.

Second—Such as shall have been mortgaged or pledged to it, or conveyed in trust for its benefit, in good faith, for money loaned in pursuance of the regular business of the corporation.

Third—Such as shall have been purchased at sales under pledges, mortgages, or deeds of trust made for its benefit, or upon judgment or decrees obtained or rendered for money so loaned. And the said corporation shall not purchase, hold, or convey real estate in any other case or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be placed in it by purchase or otherwise; and the said corporation shall not directly or indirectly deal or

Restric-  
tions.

trade in buying or selling any goods, wares, or merchandise whatever, except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business, and except bonds, securities, or evidences of indebtedness, public or private, gold and silver bullion, and United States Mint certificates of ascertained value, and evidences of debt issued by the United States; *provided*, that no corporation formed under the Act to which this is amendatory, shall have authority to purchase, hold, or convey bonds, securities, or evidences of indebtedness, public or private, except bonds of the United States, or of the State of California, and of the counties of the State of California, unless such corporation has a capital stock or reserve fund, or both capital stock and reserve fund, paid in, of not less than one hundred thousand dollars. (Amendment approved March 31st, 1866, p. 626, and made applicable to Act approved March 31st, 1870, p. 523.)

Married  
women  
may hold  
stock.

601. SEC. 14. Any married woman, being a member or holding stock in her own name in any company formed under this Act, may cast her own vote and appoint her own proxy to vote for her. Whenever any stock or deposits are held by any person as executor, administrator, trustee, or guardian, he shall represent such stocks or deposits, and may vote accordingly. (Amendment approved March 12th, 1864, Stats. 1863-4, p. 158.)

Minor  
depositors.

602. SEC. 15. Whenever any deposit shall be made by any minor, the Directors of said corporation shall pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was exe-

cuted by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and whenever any deposit shall be made, in her own name, by any woman being or thereafter becoming married, said Directors shall pay such sums as may be due to her, on her own receipt or acquittance; and any person authorized thereto by resolution of the Board of Trustees or Directors of any corporation, association, or society having funds deposited or owning stock in any corporation formed under this Act, shall be entitled to receive such deposit or transfer such stock, and to cast the vote of such corporation, association, or society.

Married  
women.

603. SEC. 16. Every corporation incorporated or doing business under the provisions of this Act shall cause to be published annually, once a week for at least six successive weeks, in one public newspaper printed in the county in which such corporation may be located, a true and accurate statement of all depositors who shall have deposits, dividends, or interest to their credit on the books of said corporation, and concerning whom, at the date of such statement, the officers of the corporation shall have had no knowledge during the two years next preceding such date; such statement shall contain the name, residence, and occupation, if known, of the person making the deposit or in whose favor the dividend was declared; and in all cases so published the expense of advertising shall be deducted from the sums unclaimed, in proportion to the amount of each respectively.

Statement  
of deposits.

604. SEC. 17. Corporations formed for the purpose designated in section one of this Act may have a capital stock, and may issue certificates to represent shares of such capital stock; *provided*, that the certificate, directed by the second section of this Act to be executed and filed, shall also contain a statement

Capital  
stock.

of the amount of such capital stock, and number of shares of which it shall consist. The rights and privileges to be accorded to such capital stock, as distinct from those to be accorded to depositors, and the obligations to be imposed upon it in the same relation, shall be fixed by the by-laws.

Acts not  
lawful.

605. SEC. 18. It shall not be lawful for the Directors to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock, nor to reduce the amount of the same.

Increase of  
capital  
stock.

606. SEC. 19. Whenever it is desired to increase the amount of capital stock, a meeting of stockholders may be called, by a notice, signed by at least a majority of the Directors, and published at least sixty days in every issue of some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase the capital stock; and a vote of two thirds of all the shares of stock represented at the meeting shall be necessary to an increase of the amount of capital stock.

Certificate  
of proceed-  
ing for  
increase  
of stock.

607. SEC. 20. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing the amount of capital stock, a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital actually paid in, and the amount to which the capital stock is to be increased, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Directors, and filed, as required by the second section of this Act. When so filed, the capital stock of the corporation shall be increased to the amount specified in the certificate.



608. SEC. 21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws. Stock to be personal estate.

609. SEC. 22. No certificate, representing shares of stock, shall be issued, nor shall such stock be considered as acquired, until the whole sum of money which such certificate purports to represent shall have been paid into the corporation. Issuance.

610. SEC. 23. Any stockholder may pledge his stock, by a delivery of the certificate, or other evidence of his interest, but may, nevertheless, represent the same at all meetings, and vote as a stockholder. Stock may be pledged.

611. SEC. 24. Any corporation formed under this Act may dissolve and disincorporate itself, by presenting to the County Judge of the county in which the principal place of business of the company is situated, as named in the certificate of incorporation, a petition to that effect, setting forth the reason therefor, signed by all the Directors of the corporation. Notice of the application shall then be given by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which such application shall be heard, and shall be published in every regular issue of some newspaper in the county where the application is to be heard, and in at least one newspaper published in the City and County of San Francisco, for at least three months, and if no newspaper is published in the county where the application is made, then such notice shall be posted up, at least thirty days previous to the time when such application is to be heard, in three public places in said county, one of which shall be the Court House of said county. At the time and place appointed, or at any other time to which it may be postponed by the Judge, he shall Dissolution of corporation

Same.

proceed to consider the application, and if satisfied that the members and stockholders of the corporation will be benefited thereby, and that no indebtedness of the corporation exists, other than to depositors who have not demanded their deposits, he shall enter an order declaring it dissolved. The hearing of such application for dissolution shall not be had by the Judge until after the expiration of twenty days from and after the last publication of the notice aforesaid. After filing the petition for dissolution no more deposits shall be received, nor certificates of stock be issued, by the officers of the corporation.

Powers of  
Directors  
after  
dissolution.

612. SEC. 25. Upon the dissolution of any corporation formed under this Act, the Directors, at the time of the dissolution, shall be Trustees for the members and others interested in the corporation dissolved, and shall have full power and authority to sue for and recover the debts due to and property of the corporation, settle all of its affairs, and divide among the members and stockholders, in such proportion as the by-laws shall direct, the money and other property that shall remain after the payment of all the expenses. And all unclaimed deposits, and the interest accruing thereon, and unclaimed shares and money due thereon, not called for within thirty days after the collection of all solvent indebtedness, shall be paid by the said Trustees into the State Treasury, accompanied by a statement setting forth the time that such deposits were made, or such share acquired, by the person holding the same at the time of such dissolution, and the name and residence, if known, of the person making or holding the same, the amount of such deposits or shares, and also of the dividends not called for, and the name of the person or persons to whom the deposit, or stock, or the dividends belong, if known. All amounts of unclaimed dividends and deposits paid into

the State Treasury as aforesaid, shall be received, invested, and accounted for and paid out in the same manner and by the same officer as is provided by law concerning escheated estates. Upon such payment by the said Trustees, the State Treasurer shall give to them a receipt for the amount so paid in, which shall fully discharge them from all liability to such depositors or stockholders.

613. SEC. 26. The misnomer of any such corporation in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer.

614. SEC. 27. All corporations for the accumulation, preservation, and investment of funds and savings, all savings and loan societies, and all associations or societies for the like purpose, claiming in good faith to be incorporated under the laws of this State, may avail themselves of the provisions of and become incorporated under this Act, by filing with the County Clerk of the county in which their principal place of business is located, and a certified copy thereof in the office of the Secretary of State, a certificate, stating their intention and election to become so incorporated, which intention and election may be made and declared by the Trustees or acting Trustees of such corporation, association, or society, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary of such corporation, association, or society, and shall be acknowledged before some officer competent to take the acknowledgment of deeds. Such certificate shall in other respects conform to the requirements of this Act. Corporations formed or existing under or by virtue of this Act shall not, nor shall the members or stockholders thereof, be subject to the conditions and liabilities of an Act entitled an Act concerning corpo- How societies may become incorporated.

rations, passed April twenty-second, eighteen hundred and fifty. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 531; took effect from passage.)

Acts  
repealed.

615. SEC. 28. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby declared to be inoperative so far as they affect this Act.

SEC. 29. This Act shall take effect from and after its passage.

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*Amendatory and supplementary to an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and Acts amendatory and supplemental thereto.*

[Approved March 4, 1870, p. 132.]

[Enacting clause.]

May  
receive  
deposits  
from  
minors and  
married  
women.

616. SECTION 1. All corporations and their successors, heretofore formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof and others deposits of money, preserving the same from loss, and of finding secure and profitable investment therefor, may receive deposits of money from minors and married women.

Directors  
may pay  
deposits  
to minors.

617. SEC. 2. Whenever any deposits shall be made by any minor, the Directors of such corporation may pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age; and whenever any deposit shall be made, in her own name, by any woman being or there-

after becoming married, said Directors may pay such sums as may be due to her or standing to her credit on the books of such corporation, on her own receipt or acquittance, and such receipt or acquittance shall be as valid as if executed by such married woman jointly with her husband. And any person authorized thereto, by resolution of the Board of Trustees or Directors of any corporation, association, or society, having funds deposited or owning stock in any corporation formed for the purpose aforesaid, under the Act of which this is amendatory, shall be entitled to receive such deposit or transfer such stock, and to cast the vote of such corporation, association, or society.

To married women.

To authorized agent of any society.

618. SEC. 3. All receipts or acquittances heretofore executed and delivered to any corporation formed for the purpose aforesaid, under the Act of which this Act is amendatory, by minors or married women, for money deposited by them in such corporations, or for the dividends thereon, shall be and are hereby declared to be as valid, legal, and binding upon all persons as if said receipts had been executed by the duly appointed guardian of such minor, or jointly by said married women and their husbands.

Receipts valid.

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*An Act amendatory and supplemental thereto.*

[Approved March 24, 1870, p. 364.]

[Enacting clause.]

619. SECTION 1. All corporations formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof deposits of money and preserving the same from loss, and finding secure and profitable investment therefor (whose term of existence, as fixed by their certificate of incorporation, shall have been less than

Renewal of term of existence.

fifty years), may at any time renew and extend their term of existence for such term as they may deem proper; *provided, however,* that the term of such renewal and extension, and the term of their existence, as fixed by their certificate of incorporation, shall not in the aggregate exceed fifty years.

Certificate  
of renewal  
to be filed.

620. SEC. 2. Such renewal and extension may be made by filing with the County Clerk of the county in which the principal place of business of such corporation is located, and a certified copy thereof in the office of the Secretary of State, a certificate, stating their intention and election to renew and extend the term of their existence, and the term of such renewal and extension; which intention and election may be made and declared by the Directors or Trustees, or acting Directors or Trustees of such corporation or corporations, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary or Director of such corporation or corporations, and shall be acknowledged before some officer competent to take acknowledgment of deeds.

Inopera-  
tive.

621. SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared inoperative, so far as they shall affect this Act.

SEC. 4. This Act shall take effect from and after its passage.

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*An Act supplementary to the Act of eighteen hundred and sixty-two.*

[Approved March 20, 1868, p. 459.]

[Enacting clause.]

622. SECTION 1. Corporations formed under the Act of which this is supplementary, may by their by-laws provide for the issue of general certificates of

deposit, which shall be transferable, as in other cases, by indorsement and delivery; and also for the issue, when requested by the depositor, of special certificates acknowledging the deposit by the person therein named, of a specific sum of money, and expressly providing on the face of such certificate that the sum so deposited and therein named shall be transferred only on the books of the corporation, and payment thereafter made by the corporation to the depositor named in such certificate, or to his assignee, upon the books of the corporation, or, in case of death, to the legal representative of such person, of the sum for which such special certificate was issued, shall be valid, and shall discharge the corporation from all further liability on account of the money so paid.

May issue transferable certificates of deposit.

Special certificates.

623. SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared to be inoperative, so far as they do conflict herewith.

Repealed Acts.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Pacific Accumulation Loan Company authorized to change name to Pacific Bank, Stats. 1866, p. 620.

## ARTICLE XXII.

### LIBRARY ASSOCIATIONS.

SECTION 624. Associations, how formed.

625. Trustees to be elected.

626. Trustees; powers.

627. Officers of association.

628. How elected; vacancies, how filled; duties of officers.

629. Duties of Trustees.

630. Rights of members not transferable.

631. New members may be admitted.

632. Payment of dues; penalty for non-payment.

633. In case of failure to elect Trustees how to proceed.

634. Property exempt from taxation.

635. Old associations may reincorporate; proceedings for.

SECTION 636. Certificate.

637. New incorporations.

638. Trustees of old and new incorporation.

639. Signing Constitution and by-laws of new incorporation.

*An Act in reference to library associations.*

[Approved April 27, 1863, p. 624.]

[Enacting clause.]

Associa-  
tions, how  
formed.

624. SECTION 1. That from and after the passage of this Act it shall and may be lawful for any number of persons, not less than twenty, in any county, city, town, village, or neighborhood of this State, who shall determine and desire to associate themselves together for the purpose of procuring, erecting, and using a public library, to assemble at a day, time, and place to be appointed, to elect and appoint not less than five of their number Trustees, to take charge of the property, both real and personal, and moneys belonging to the corporation thereby created, and to transact all affairs relative to the same. Amendment approved March 24th, 1870, p. 366.)

Trustees to  
be elected.

625. SEC. 2. That the said election, to be held as aforesaid, shall be conducted in the following manner, to wit: that whenever two thirds of the number of persons so desiring to form said library association shall assemble at the time and place previously appointed, they shall proceed to choose a Chairman from among themselves, who shall preside at such election, receive the votes of the members present, and be the officer to return the names of those who, by plurality of votes, shall be elected to serve as Trustees for the said corporation; that the said returning officer shall, within ten days after such election, certify, under his hand and seal, the names of the persons elected to serve as Trustees for said library, in which certificate the style, name, or title of the said corporation (which shall forever thereafter be the style, name, or



title by which the said corporation shall be distinguished and known), shall be particularly mentioned and described, which said certificate, being first duly acknowledged or proved by a subscribing witness thereto, in the same manner in which deeds are acknowledged or proved by any Notary Public of this State, or a Judge or Clerk of a Court, having a seal within the county in which said association is to be located, shall be forthwith, and within said ten days, filed with the County Clerk of said county, and recorded in a book to be kept by him for the recording of certificates of incorporation, for which filing and recording he shall receive a fee of two dollars, and no more. Same.

626. SEC. 3. That the persons so elected, returned, and registered, shall be and hereby are declared to be Trustees for said library, and that the said Trustees, from the time of the filing of said certificate, and their successors in office, and such other persons as shall, from time to time, become members of the corporation hereby authorized to be erected, shall be and hereby are ordained, constituted, and appointed, and declared to be one body corporate and politic, in fact and in name, by the name, style, or title mentioned and described in the said certificate so to be recorded as aforesaid, and by that name shall have succession, and they and their successors shall and may forever thereafter, by the same name, be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts of common law or equity whatsoever, in all manner of actions, suits, causes, controversies, matters, and things whatsoever; and that they and their successors shall have a common seal, and may make, alter, and change the same at their discretion; and Trustees.  
Powers.

Same.

also, that the said Trustees and their successors, by the same name and title described in said certificate, from the time of the filing of said certificate, shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, such real estate so purchased and held by said Trustees in trust for such corporation shall in no case exceed six whole lots in a town or city, or twenty acres in the country, nor shall the annual income of such real estate held in trust by them exceed the sum of fifty thousand dollars.

Officers of association.

627. SEC. 4. That forever hereafter there shall not be less than five Trustees for every library incorporated as aforesaid, who shall hold their offices for one year, and until others shall be elected in their places, and shall manage the business of the said corporation; and that there shall forever hereafter be one President of said Trustees, one Vice President, one Treasurer, one Recording Secretary, and one Corresponding Secretary, who, with the Trustees, elected as such, shall constitute the Board of Trustees, to be elected in the manner hereinafter mentioned; and it shall be lawful for the said Trustees, in their discretion, whenever they conceive it necessary, to appoint a suitable person as Librarian, and as many assistants as they shall deem necessary, but said Librarian, or his assistants, shall not be chosen from the Board of Trustees; *provided*, the same person may fill the offices of Recording and Corresponding Secretary, or President and Corresponding Secretary. (Amendment approved March 24th, 1870, p. 366.)

How elected.

628. SEC. 5. That the officers of the said first Trustees shall determine, on the third Monday in the same month in which said certificate was filed, and that on the third Monday in the same month in which the said certificate was filed, in every year forever

thereafter, there shall be a general meeting of the members of the corporation at some convenient place, to be from time to time ascertained and fixed by the by-laws of the said corporation, and that then and there, by plurality of votes of such members as shall so meet, the same number of Trustees shall be elected by ballot to serve the ensuing year; one of said Trustees shall be elected as President, one as Vice President, one as Treasurer, one as Recording Secretary, and one as Corresponding Secretary, and the balance, if any, as Trustees; but at said elections no member shall be allowed more than one vote, and no voting shall be by proxy; that in case of the death or removal, refusal or neglect to serve, of either of said officers, or of said Trustees, during their said term, or during the interval occasioned by the non-election of successors, the said Board of Trustees may elect, by a majority vote of the members of said Board present at any regular meeting of said Board, a member or members of said Board to fill the vacancy occasioned by the death or removal, refusal or neglect to serve, of one of the above specified officers, or may elect, in the manner aforesaid, a member or members of said association to fill the vacancy occasioned by the death or removal, refusal or neglect to serve, of a Trustee or Trustees, and such person so elected as last aforesaid shall respectively remain in office during such time as the person in whose stead such Trustee shall be chosen would have done in case such death, removal, or refusal had not happened, and no longer; and that the President, Treasurer, and Librarian shall, at an annual meeting of the members, to be held within one month after such annual election, in a suitable place to be designated in the by-laws of said corporation, exhibit to the members of the said corporation the state of the Library, a summary of the general operations of the

Vacancies,  
how filled.

Duties of  
officers.

Board of Trustees, the condition of the treasury, and the receipts and expenditures during the preceding year.

Duties of  
Trustees.

629. SEC. 6. That the said Trustees shall have stated meetings, at such time and place as shall be appointed for that purpose in the by-laws of said corporation, and special meetings at such time and place, and to be called in such manner, as the said by-laws shall define; that the President, at such meetings of said Board, shall have a casting vote, and no other; that the President, and a majority of the Trustees so met, shall have full power and authority to adjourn from day to day, or for such other time as the business of said corporation may require, and from time to time appoint, and at their pleasure to displace, the Librarian, or his assistants, or a janitor, or janitors, or either of them, and to appoint other or others in their stead and place; to ascertain the compensation to be allowed the Librarian and assistants, or the janitor or janitors, for their services in their stations, respectively, and to regulate and appoint to them, the said Librarian, his assistants and janitors, or either of them, their respective powers, trusts, and duties; to direct the application of moneys belonging to said corporation to the purchase of such books, cabinets, pictures, statuary, and apparatus of every kind pertaining to a library association as they shall think proper for the promotion of knowledge, or the recreation of the members of said association; but nothing herein contained shall be construed to permit the sale of any spiritous or malt liquors, or the playing of any game, or the use of any device, by means whereof money or property of any kind may be won or lost, or any game or device for which a charge shall be made for the playing thereof, nor shall any such game or device, or the sale of such liquor, be permitted under the

auspices or control or sanction of said association; to Same.  
 the building or providing of a house or room for the  
 safe keeping of the books of said library, or the prop-  
 erty as aforesaid; to prescribe the terms of admission  
 to membership, and the privileges of life and honorary  
 members, and to transact, do, manage, and perform,  
 and to enact laws for the transacting, managing, and  
 performing of, in the name of the said corporation,  
 all and every act and acts, thing and things whatso-  
 ever, which shall be necessary to be done, and which  
 shall be prescribed in the Constitution and by-laws of  
 said corporation, and which the Trustees of said  
 library are by this law authorized to do; *provided*,  
 such acts or things, or the regulations, laws, constitu-  
 tions, or ordinances providing for the same be not  
 repugnant to the laws of this State.

630. SEC. 7. That it shall not be lawful for any  
 of the members of said corporation, or his or her  
 executors, administrators, or assigns, to give, sell,  
 alien, assign, devise, or dispose, either in whole or in  
 part, of their respective rights in the said library, so  
 as to give to their donees, grantees, or devisees, any  
 rights or privileges in said library or corporation. Rights of  
members  
not trans-  
ferable.

631. SEC. 8. That it shall and may be lawful, at  
 such meetings of a majority or more of the said Trus-  
 tees of the library, for the time being, to make any  
 by-laws, constitutions, or ordinances of the said cor-  
 poration, prescribing the terms of admission to mem-  
 bership, and altering the same at pleasure; and said  
 members so admitted shall be entitled to have, hold,  
 and enjoy all and every the same rights and privileges  
 as the original members are entitled to by this Act. New  
members  
may be  
admitted.

632. SEC. 9. That each and every member of the  
 said corporation for the time being shall, at such times  
 as shall be prescribed by the Constitution and by-laws Payment  
of dues.

Penalty  
for non-  
payment.

of said corporation, pay to the Treasurer of said corporation the dues required of him by said Constitution and by-laws, and in the manner prescribed therein, and that whenever any of the members of the said corporation shall neglect to pay the said dues in the manner prescribed as aforesaid, or any other sum which of right shall become due to the corporation, for the space of three months next after the day on which the same ought to have been paid, that then the person or persons from whom the same shall be due shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said corporation, until such sums shall be fully satisfied; and if such sums shall not be paid within one year after any such sums shall become due as aforesaid, that then, and after the expiration of one year from the time such payment shall become due, that the person or persons from whom the same shall become due shall thereupon forfeit and be utterly excluded from all his, her, or their rights and privileges in the said library and corporation.

In case of  
failure  
to elect  
Trustees  
how to  
proceed.

633. SEC. 10. That in case it should happen that an election of Trustees should not be made on any day when, pursuant to this Act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation; *provided, always*, that nothing in this Act shall be so construed as to authorize any person or persons whatsoever, under color or by virtue of any incorporation authorized by this Act, to do or transact any business, matter, or thing, save what appertains to a library, according to the true intent and meaning of this Act, except the renting or leasing of lands or stores, public

halls, or offices, in any building owned or leased by the said association, which said renting or leasing are hereby expressly authorized under the restrictions imposed in section six of this Act.

634. SEC. 11. All the property, both real and personal, of said corporation, not exceeding the value prescribed in the third section of this Act, shall be forever hereafter exempt from taxation for State, city, or county purposes; *provided*, however, that if any portion or portions of any land purchased or building erected by said corporation shall be leased or rented by said corporation, the assessed value of the portion so leased or rented shall be liable to taxation as other property, and said value shall be computed by doubling the amount of rent for which the portion or portions were so leased or rented during the next preceding year; *also, provided*, however, that the verified statement in writing shall be given by said corporation, or some one on its behalf, to the Tax Collector, as required by the second section of the Act to provide for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, as amended by the Act of this State entitled an Act amendatory and supplementary to an Act to provide for the support of the government of this State, approved April nineteenth, eighteen hundred and fifty-nine, otherwise the entire real property of said corporation shall be subject to taxation as other property.

Property  
exempt  
from  
taxation.

635. SEC. 12. That all library institutions now incorporated, by whatever name they may be called, that desire to be reincorporated under the provisions of this Act, may do so in the following manner: The Board of Trustees or Directors, acting at the time of such desired reincorporation, shall publish a notice for thirty consecutive days, of their intention so to do, in some daily newspaper published in the city or county

Old asso-  
ciations  
may rein-  
corporate.

Proceed-  
ings for.

in which said library is located, or if no daily newspaper is published therein, then by publishing said notice in some weekly newspaper published therein, for four consecutive publications, or if no newspaper is published therein, then by publishing in some daily newspaper published in the nearest adjacent county, for the period of thirty days, as aforesaid, specifying in said notice the intention of said library institution to reincorporate, and requiring all parties interested, whether shareholders, creditors, members, or others, to file written objections with the Secretary or Librarian of said association, before the expiration of the term of publication of said notice, and requiring said objections to state the nature of the objection, the character of the objection, whether shareholder, member, creditor, or otherwise, and to be signed with the name of said objector. If no such written objections are filed within the time aforesaid, or if any are filed and subsequently withdrawn by the persons making the same, all parties interested, whether shareholders, life members, honorary members, subscribing members, creditors, or otherwise, shall be conclusively deemed to assent to such reincorporation, and shall be forever thereafter debarred from making any objections thereto. If any such written objections are filed within the time aforesaid, and not subsequently withdrawn, said association may still proceed to reincorporate under the provisions of this Act; but said association shall be liable to the party making such objections, for the value of such party's interest in or against said association; *provided*, suit be commenced thereon within six months after the last publication of said notice, but not after.

636. SEC. 13. At the expiration of thirty days from the first publication of said notice, the said association shall be deemed to be capable of reincorpora-



tion, and within thirty days after the last publication of said notice, shall cause a certificate in writing to be filed with the County Clerk, as provided in the second section of this Act, which certificate shall be signed by the acting President of said association, or of the Board of Trustees, or Directors, as the case may be, stating the objects of the association, the name by which it shall thereafter be called, the names of the then acting Board of Trustees, or Directors, and of all the officers of said association, and its place of business; said certificate shall be acknowledged by said President, or proved by a subscribing witness, and filed, as required in the second section of this Act. Certificate.

637. SEC. 14. From the time of filing the said certificate as aforesaid, all the property, real and personal, of every name and description, belonging to said association, shall be and the same is hereby declared to be vested in the said acting Board of Trustees, or Directors, as named in the said certificate, for the benefit of the members of the new incorporation, and said association shall be and the same is hereby declared to be fully reincorporated under the provisions of this Act, with all the rights and privileges, and subject to all the conditions and liabilities herein specified. New incorporation.

638. SEC. 15. The acting Board of Trustees, or Directors, including the officers of said association enumerated in the fourth section of this Act as ex officio members of said Board, shall remain the officers of said association until the term of their office expires, as provided by the Constitution of the former association; and at the expiration of their said term, and annually thereafter, the election of officers and Trustees shall take place as provided in this Act. Trustees of old and new incorporation.

Signing  
Constitu-  
tion and  
by-laws of  
new incor-  
poration.

639. SEC. 16. All the former shareholders, life members, honorary members, and subscribing members of said association, shall sign the Constitution and by-laws of said reincorporated association before they shall be permitted to vote therein, either for officers or at a general or special meeting of said reincorporated association.

SEC. 17. This Act shall take effect from and after its passage.

An Act was passed to aid the Mercantile Library Association of San Francisco, approved February 19th, 1870, p. 90.

## ARTICLE XXIII.

### CRUELTY TO ANIMALS.

SECTION 640. One society in each county entitled to benefits.

641. By-laws.

642. Elections and reports.

643. Arrests.

644. Members may be authorized to make arrests.

645. Cruelty to animals misdemeanor.

646. Punishment.

647. Prosecutions.

648. Convictions; fines to be paid to society.

649. Law not to apply.

*An Act for the more effectual prevention of cruelty to animals.*

[Approved March 30, 1868, p. 604.]

[Enacting clause.]

One society  
in each  
county  
entitled  
to benefits.

640. SECTION 1. Any three or more citizens of the State of California, who shall incorporate as a body corporate under the general laws for incorporations in this State, for the purpose of preventing cruelty to animals, may avail themselves of the privileges and benefits of this Act; *provided*, that the corporate body first forming as aforesaid in any county shall be the only one so entitled to the benefits and privileges of this Act in said county.

641. SEC. 2. The said societies may make and By-laws.  
 adopt by-laws governing the admission of associates  
 and members, providing for all meetings, and assistant  
 and district or local officers; providing also for means  
 and systems for the effectual attainment of the objects  
 contemplated by this Act, for the regulation and man-  
 agement of its business affairs, and for the effectual  
 working of the societies; prescribing also the duties  
 of all their officers, for the outlay of all moneys, and  
 the auditing of all accounts; *provided*, that such by-  
 laws shall not in anywise conflict with the laws of the  
 State of California, or of the United States, or any pro-  
 visions of this Act.

642. SEC. 3. Said societies shall elect officers and Elections  
and reports  
 fill vacancies according to the provisions of their by-  
 laws. They shall make such reports of elections as is  
 by law required of all corporations; and shall, in addi-  
 tion, report to the Legislature of the State of Cali-  
 fornia, at each of its regular sessions, a full account of  
 all their acts.

643. SEC. 4. All Sheriffs, Constables, police and Arrests.  
 peace officers, are empowered to make arrests for the  
 violation of any of the provisions of this Act, and are  
 hereby also empowered to make arrests without war-  
 rant, for the violation of any provision of this Act  
 which by this Act is denominated a misdemeanor,  
 when said misdemeanor is committed in the presence  
 of said officer.

644. SEC. 5. All members and agents, and all Members  
may be  
authorized  
to make  
arrests.  
 local and district officers of each or any of the soci-  
 eties so incorporating, as shall by the Trustees of said  
 societies be duly authorized in writing, approved by  
 the County Judge of the county, and sworn in the  
 same manner as are Constables and peace officers, may  
 make arrests for the violation of any of the provisions

of this Act, in the same manner as is provided herein for other officers; *provided*, that all such members shall, when making such arrests, exhibit and expose a suitable badge, to be adopted by said society. All persons resisting said specially appointed officers, as such, shall be punished for said resistance in the same manner as is provided for the punishment of resistance to other officers.

Cruelty  
to animals  
misde-  
meanor.

645. SEC. 6. Every person who shall torture, torment, or deprive of sufficient and necessary sustenance, or unmercifully or cruelly beat, mutilate, or kill any living creature, shall, on conviction, be deemed guilty of a misdemeanor. Every person who shall, by his act or neglect, maliciously kill, maim, wound, injure, torture, or cruelly beat any animal belonging to himself or to another, shall, on conviction, be deemed guilty of a misdemeanor. Every person who, in carrying or transporting, or causing to be carried or transported, any living creature, shall unnecessarily torture, injure, torment, beat, wound, or cause unnecessary pain and suffering to any living creature, shall, on conviction, be deemed guilty of a misdemeanor.

Punish-  
ment.

646. SEC. 7. Every person convicted of any misdemeanor under this Act shall be punished as is by law provided for the punishment of misdemeanors.

Prosecu-  
tions.

647. SEC. 8. All prosecutions for violation of any of the provisions of this Act shall be conducted and prosecuted in a Court of competent jurisdiction; and any member of said societies authorized as is provided in section five of this Act may appear and prosecute in any of said Courts, for any violation of the provisions of this Act, whether or not he be an attorney and counselor at law; *provided*, that all such prosecutions shall be conducted in the name of the people of the State of California.

648. SEC. 9. In all prosecutions for the violation of any of the provisions of this Act, the Court shall, if the defendant be found guilty, direct the Clerk to enter, if it be a Court of record, and if not, the Judge of said Court shall enter, upon the docket or judgment record of said Court, the fact that the defendant was convicted for a violation of some provision of this Act; and the Judge or Court shall direct the whole of the fine which may be paid as a penalty for such violation to be paid to the President, Secretary, or Treasurer of any society in said county, organized and incorporated as herein provided. And such Judge of such Court, Justice, or Clerk of the Court, if it be a Court of record, shall annually report, on the first Monday in September, the amount of money so paid to said society, in a report to be transmitted to the Board of Supervisors of said county; and each of said Boards of Supervisors shall make a report, on the first Monday of November of each year, to the Controller of the State, of all such sums of money so paid to said society; and said Controller shall report the sum total of said sums to the Legislature at each of its regular sessions.

Convictions.

Fines to be paid to society.

649. SEC. 10. No part of this Act shall be deemed to interfere with any of the laws of this State known as the game laws, or any laws for the destruction of certain birds; nor shall this Act be deemed to interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals and fowls used for food; nor shall this Act be deemed to interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

Law not to apply.

## ARTICLE XXIV.

## YACHT CLUBS.

SECTION 650. Proceedings to incorporate; certificate, what to contain.

651. May hold property.

652. Powers.

*An Act to authorize the incorporation of yacht clubs.*

[Approved February 15, 1870, p. 71.]

[Enacting clause.]

Proceed-  
ings to in-  
corporate.

Certificate,  
what to  
contain.

650. SECTION 1. Any six or more persons, citizens of this State, may assume corporate powers for the purpose of organizing, conducting, and perpetuating yacht or other clubs, designed to promote the science and art of navigation and naval architecture, by filing a certificate of their intention so to do, duly acknowledged as in the case of a deed, with the County Clerk of the county wherein it is proposed their principal place of business shall be located, and a copy thereof in the office of the Secretary of State. Said certificate shall contain the number of Trustees and their names, who shall manage the concerns of the corporation for the first three months, or until their successors are elected, the objects for which the corporation shall be formed, together with the corporate name selected for said corporation; and by such corporate name the said corporation may sue and be sued, and have the rights of corporations; may make such constitutions, by-laws, rules, and regulations as they may deem proper; *provided*, that they are not contrary to the Constitution and laws of this State. When the certificate shall have been filed, the persons who have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in the certificate.

651. SEC. 2. The said corporations may acquire and hold all real and personal property which may, in

the judgment of said corporation, be necessary for the proper and convenient use of said corporations.

652. SEC. 3. The said corporations may adopt Powers. and have a common seal, and may change and alter the same at pleasure, and shall in general have, possess, and exercise all the rights, privileges, and immunities as by law are incident or necessary to corporations.

SEC. 4. This Act shall be in force from and after its passage.

#### NOTE.

##### LAWS APPLICABLE TO CORPORATIONS EXISTING BEFORE ADOPTION OF THE CODES.

This Chapter is retained as applicable to the formation and existence of corporations prior to January 1st, 1873. See Part IV, Division I, of THE CIVIL CODE, Sections 283 to 648, inclusive.

Sections 287 and 288 of THE CIVIL CODE are as follows:

"287. Any existing corporation formed under any law of this State, for any purpose designated in any subdivision of the preceding section, may, at a meeting of its members or stockholders, called for that purpose, continue its existence under Title I of this Part, or under the provisions of any subsequent Title particularly applicable thereto, as follows:

"1. Public notice of such meeting, and of its object, must be given by publishing the same in a daily newspaper for two weeks, or a weekly newspaper for four weeks, successively, published in the county where the principal place of business of the corporation is. In lieu of the publication, personal notice may be given to each member or stockholder thereof.

"2. Two thirds of the members, if there is no capital stock, and if there is a capital stock, then stockholders representing two thirds of it, must vote in favor of such continuance.

"3. A copy of the proceedings of this meeting, giving the names of all persons present, the votes taken, the notice calling the meeting, and the proof of its publication or service, all duly certified by the President and Secretary of the corporation, must be filed in the offices of the Secretary of State and Clerk of the county where the articles of incorporation are on file. Thereafter such corporation is possessed of all the rights and powers, and subject to all the obligations, restrictions, and limitations provided in this part, applicable thereto, and its corporate existence is continued.

“288. No corporation formed or existing before twelve o'clock, noon of the day upon which this Code takes effect, is affected by the provisions of Part IV of Division First of this Code, unless such corporation elects to continue its existence under it as provided in Section 287; but the laws under which such corporations were formed and exist are applicable to all such corporations, and are repealed, subject to the provisions of this section.”

As to condemning property for railroad and other corporations, see Title VII of Part III, CODE OF CIVIL PROCEDURE (Of Eminent Domain). Section 1258, CODE OF CIVIL PROCEDURE, is as follows:

“1258. With relation to the Acts passed at the present session of the Legislature, this Title must be construed in the same manner as if the Code had been passed on the last day of this session, and from and after the time this Code takes effect, all laws of this State in relation to the taking of private property for public uses are abolished, and all proceedings had in the exercise of the powers of eminent domain must conform to the provisions of this Title.”

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## CHAPTER XLVIII.

### COSO (UNORGANIZED) COUNTY.

SECTION 659. Reference to Act.

Reference  
to Act.

#### 659.

The Act creating Coso County, defining its boundaries, and providing for its organization, will be found Stats. 1863-4, pp. 528-532.

The County of Coso was not organized.

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## CHAPTER XLIX.

### COUNTIES.

SECTION 660. Reference to general and local Acts.

Reference  
to general  
and local  
Acts.

#### 660.

An Act subdividing the State into counties, and establishing the seats of justice therein, passed February 18th, 1850, p. 58; amended April 5th, 1850, p. 155, and April 18th, 1850, p. 262, and repealed April 25th, 1851, p. 180.

An Act to provide for holding the first county election, passed March 2d, 1850, p. 81, and supplementary Act, passed March 9th, 1850, p. 83.



An Act to provide for the complete organization of all the counties in this State, passed April 18th, 1850, p. 259.

An Act concerning the County of Marin and the other unorganized counties of this State, passed April 22d, 1850, p. 406.

See also an Act to provide for the permanent location of the seats of justice of the several counties, passed April 11th, 1850, p. 199, and amendatory Acts of 1854, p. 198; Stats. 1855, p. 4.

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors, approved May 12th, 1853, p. 164.

An Act to limit the time for presentation of claims against counties and for receiving payment for the same, approved April 2d, 1857, p. 167; amendatory Act of 1863, p. 233.

An Act more effectually to limit the time for the presentation and allowance of claims against counties, approved March 5th, 1864, Stats. 1863-4, p. 152.

An Act prescribing the manner of commencing and maintaining suits by or against counties, passed May 11th, 1854, p. 194.

An Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State, passed May 1st, 1854, p. 148.

An Act to provide for the payment of fees and costs in civil actions by and against counties, approved April 12th, 1859, p. 223; repealed by Act concerning suits wherein the State is a party, approved March 28th, 1864, Stats. 1863-4, p. 261.

An Act to authorize the counties of the State of California to become stockholders in railroad companies, approved April 16th, 1859, p. 263; amendatory Act, approved April 18th, 1860, p. 208.

An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, approved February 20th, 1858, p. 65.

An Act to authorize the several counties of this State to receive grants of land from the United States Government for the purpose of constructing public roads in said counties, approved February 21st, 1868, p. 69.

[For legislation respecting the several counties, see the different counties.]

For all general provisions relating to counties, see Political Code, Part IV, "OF THE GOVERNMENT OF COUNTIES," etc., which, to the extent, supersedes all prior enactments.

## CHAPTER L.

## COURTS OF JUSTICE AND JUDICIAL OFFICERS.

## SECTION 662. Reference to Acts and Code.

Reference  
to Acts  
and Code.

## 662.

See Annotated Code Civil Procedure, where full reference is given to all legislation upon this subject.

The Code of Civil Procedure supersedes all Acts in relation to Courts of justice and judicial officers, and expressly repeals all the following "Acts concerning Courts of justice of this State and judicial officers."

The following references show the legislation which has been had in reference to the subject:

## COURTS, JUDGES, AND JURISDICTION.

The Acts of 1850, in regard to the organization of the Courts, were as follows:

An Act to organize the Supreme Court of California, passed February 14th, 1850, p. 57; amended by Act passed April 13th, 1850, p. 210.

An Act to supersede certain Courts, and to regulate appeals therefrom to the Supreme Court, passed February 28th, 1850, p. 77.

An Act to organize the District Courts of the State of California, passed March 16th, 1850, p. 93; amended by Act passed April 18th, 1850, p. 260.

An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco, passed April 5th, 1850, p. 159.

An Act to organize the Court of Sessions, passed April 11th, 1850, p. 210.

An Act to organize the County Courts, passed April 13th, 1850, p. 210.

An Act to fix the terms of the Superior Court of the City of San Francisco, passed April 17th, 1850, p. 257.

All the above Acts, with the exception of the Act of February 28th, 1850, p. 77, to supersede certain Courts, etc. (which, however, is of force now), were expressly repealed by:

An Act concerning the Courts of justice of this State and judicial officers, passed March 11th, 1851, p. 9; which Act was amended by Act passed March 11th, 1851, p. 31; May 1st, 1851, p. 185; May 3d, 1851, p. 163; March 29th, 1852, p. 221. These Acts were repealed by the Act May 19th, 1853, p. 287, noted below.

An Act concerning the Courts of justice of this State and judicial officers, approved March 27th, 1852, p. 162, was repealed by Act passed February 8th, 1853, p. 23.

An Act concerning Courts of justice and judicial officers, approved May 19th, 1853, p. 287, repealed former Acts and continued in force until the Act of April 20th, 1863, p. 333, took effect.

Amendatory Acts were passed March 20th, 1854, p. 10; April 13th, 1854, p. 28; May 15th, 1854, p. 178; February 17th, 1855, p. 14; April 16th, 1855, p. 117; April 26th, 1855, p. 149; May 7th, 1855, p. 302; April 19th, 1856, p. 133; March 30th, 1857, p. 128; March 31st, 1857, pp. 162, 163; April 25th, 1857, p. 248; March 25th, 1858, pp. 83, 89; February 11th, 1859, p. 22; April 14th, 1859, p. 235; February 9th, 1860, p. 23; February 13th, 1860, p. 27; February 14th, 1860, p. 31; May 13th, 1861, p. 348; May 18th, 1861, p. 512; February 25th, 1862, p. 27; March 27th, 1862, p. 97; April 19th, 1862, p. 305; and there are various other Acts in relation to terms and place of holding the Supreme Court, terms of District Courts, and times of holding Courts of Sessions, County Courts, and Probate Courts in particular counties, which more or less affected it.

Reference  
to Acts  
and Code.

The Acts relating to terms and places of holding the Supreme Court, and those relating to terms of the District Courts, will be found under the sub-head "Terms of Courts." Those in relation to Courts of Sessions, County Courts, and Probate Courts, will be found referred to under the heads of the counties respectively.

All these Acts were either expressly or impliedly repealed by the Acts in relation to the same subjects, the titles of which are given below.

An Act to authorize a transfer of causes from the Superior Court of the City of San Francisco, passed March 10th, 1853, p. 34, and

An Act to abolish the Superior Court of the City of San Francisco, and to provide for the transfer of its records, books, papers, actions, and other matters therein, and for the preservation of the rights and interests of parties, approved March 30th, 1857, p. 128; took effect May 1st, 1857.

An Act concerning County Judges, making it their duty to reside at the county seats of their respective counties, etc., passed April 4th, 1854, p. 20; after being amended, January 31st, 1855, p. 2; April 27th, 1855, p. 151; April 30th, 1855, p. 223; May 7th, 1855, p. 288; April 18th, 1856, p. 106; April 16th, 1857, p. 202; April 18th, 1857, p. 224; April 25th, 1857, p. 252; and February 26th, 1859, p. 51, was finally repealed by Act approved April 22d, 1861, p. 212.

An Act to give the proceedings of Courts of Probate the same effect as Courts of general jurisdiction, approved March 27th, 1858, p. 95.

Act in relation to Probate Court in San Francisco, Stats. 1861, p. 509, repealed by Stats. 1864, p. 70.

Act conferring jurisdiction upon State Courts, Stats. 1863, p. 47.

The general Act in force before Codes took effect, and which was repealed by the Code of Civil Procedure, was an Act concerning the Courts of justice of this State and judicial officers, approved April 20th, 1863, p. 333, and the amendatory Acts as follows:

Stats. 1863-4, pp. 398, 229, 67; 1865-6, pp. 75, 103, 423, 299, 440, 467, 24; 1867-8, p. 145; 1869-70, pp. 579, 56, 223.

#### COURT COMMISSIONERS.

An Act respecting the fees of Court Commissioners, approved April 27th, 1863, p. 761.

Reference  
to Acts  
and Code.

An Act to amend the foregoing Act of April 20th, 1863, approved March 24th, 1864, Stats. 1863-4, p. 229.

Amendatory Acts, Stats. 1870, pp. 148, 104.

#### POLICE JUDGE'S COURT OF SAN FRANCISCO.

An Act concerning Police Judge's Court of San Francisco, approved April 27th, 1863, p. 739.

Act prescribing jurisdiction of Police Judge's Court, approved January 27th, 1864, Stats. 1863-4, p. 30.

An Act to establish a Municipal Criminal Court in San Francisco, approved March 31st, 1870, p. 528.

#### JUDICIAL DISTRICTS.

An Act to divide the State into judicial districts, approved April 25th, 1863, p. 486.

Amendatory Act, Stats. 1863-4, p. 48.

An Act supplementary to and amendatory of the above Act, approved April 4th, 1864, Stats. 1863-4, p. 497.

Amendatory Acts, Stats. 1865-6, pp. 796, 355, 863; 1867-8, pp. 658, 198, 33; 1869-70, p. 86.

#### TERMS OF COURTS.

For terms of the Supreme Court, see the Act of April 20th, 1863, previously referred to.

The various Acts relating to the terms and places of holding the Supreme Court were as follows:

Stats. 1850, pp. 57, 219; 1851, p. 9; 1852, pp. 161, 162; 1853, p. 287; 1854, p. 45.

The legislation in regard to the terms and times of holding the various District Courts, as follows:

First—Stats. 1850, p. 93; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, p. 242; 1859, p. 13; 1862, p. 4; 1863, p. 249.

Second—Stats. 1850, p. 93; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, pp. 5, 242; 1858, p. 131; 1859, p. 177.

Third—Stats. 1850, pp. 93, 261; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, pp. 43, 242; 1856, pp. 39, 83; 1857, p. 231; 1860, p. 117.

Fourth—Stats. 1850, p. 93; 1851, pp. 9, 31, 314; 1852, p. 221; 1853, p. 228; 1855, p. 242.

Fifth—Stats. 1850, p. 93; 1851, pp. 9, 31; 1852, p. 221; 1853, pp. 78, 228; 1854, p. 39; 1855, p. 242; 1856, pp. 19, 44.

Sixth—Stats. 1850, p. 93; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, p. 242; 1863, p. 579.

Seventh—Stats. 1850, p. 93; 1851, pp. 9, 31, 319; 1852, p. 221; 1853, p. 228; 1855, p. 242; 1856, p. 34; 1858, p. 251; 1862, p. 544; 1863, pp. 70, 500.

Eighth—Stats. 1850, p. 93; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, p. 242; 1857, p. 162; 1859, p. 18.

Ninth—Stats. 1850, pp. 93, 261; 1851, pp. 9, 31; 1852, p. 221; 1853, p. 228; 1855, p. 242; 1856, p. 29; 1857, pp. 6, 162, 323; 1860, p. 40.

Tenth—Stats. 1851, pp. 9, 31, 319; 1852, pp. 164, 221, 288; 1853, p. 23; 1855, p. 242; 1856, p. 36; 1858, p. 2; 1859, p. 97. Reference  
to Acts  
and Code.

Eleventh—Stats. 1851, pp. 9, 31; 1852, p. 221; 1853, pp. 17, 149; 1853, p. 228; 1855, p. 242; 1856, p. 2; 1863, p. 581.

Twelfth—Stats. 1854, p. 178; 1857, pp. 1190, 314; 1862, p. 30.

Thirteenth—Stats. 1855, pp. 117, 182; 1856, p. 107; 1857, p. 12; 1858, p. 107; 1859, p. 41; 1860, p. 2; 1861, p. 54; 1862, p. 478; 1863, p. 572.

Fourteenth—Stats. 1855, pp. 117, 182; 1856, p. 53; 1857, p. 189.

Fifteenth—Stats. 1855, pp. 117, 182; 1857, p. 162; 1858, p. 89; 1859, p. 185.

Sixteenth—Stats. 1859, p. 3; 1861, p. 241; 1862, p. 426; 1863, p. 113.

Seventeenth—Stats. 1859, pp. 3, 37; 1860, p. 85.

The Acts were superseded by the following:

An Act providing for the time of holding the several Courts of record in this State, approved April 27th, 1863, p. 607.

Amendatory Acts, Stats. 1863-4, pp. 451, 234, 483, 302, 7, 41.

Stats. 1865-6, pp. 65, 156, 270, 688, 28, 233, 624, 609, 232, 328, 101, 355, 18, 796, 416, 84, 159, 5, 56, 9, 453.

Stats. 1867-8, pp. 659, 356, 617, 4, 95, 688, 102, 537, 7, 266.

Stats. 1869-70, pp. 382, 53, 350, 516, 561, 736, 227, 317, 576, 792, 218.

An Act concerning the District Courts of this State, approved March 1st, 1864, Stats. 1863-4, p. 118.

An Act to provide for the holding of a special term of the District Court of the Fourteenth Judicial District in and for Placer County, beginning on the first Monday of April, 1864, was approved March 10th, 1864; Stats. 1863-4, p. 187.

An Act relating to the First Judicial District, and to fix the time for holding the Courts in said district, approved April 4th, 1864; Stats. 1863-4, p. 451.

An Act providing for the time of holding the terms of the District Court in Merced County, approved April 4th, 1864; Stats. 1863-4, p. 454.

An Act to fix the terms of the County and Probate Court of the County of El Dorado, approved December 23d, 1863; Stats. 1863-4, p. 7.

An Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January 30th, 1864; Stats. 1863-4, p. 41.

An Act to provide for the holding of a special term of the District Court in and for Trinity County, commencing on the second Monday in February, 1864, or any of the six judicial days following, was approved January 30th, 1864; Stats. 1863-4, p. 43.

An Act in relation to the Probate Court in the City and County of San Francisco, approved February 10th, 1864; Stats. 1863-4, p. 70.

An Act changing the time for holding the County and Probate Courts in the County of Amador, approved February 18th, 1864; Stats. 1863-4, p. 91.

An Act to fix the time of holding the County Court and Probate Court in the County of Marin, approved February 18th, 1864; Stats. 1863-4, p. 94.

Reference  
to Acts  
and Codes.

An Act in regard to holding the terms of the County Court in certain counties of this State, approved March 1st, 1864; Stats. 1863-4, p. 113.

An Act to fix the terms of the County Court and Probate Court of the County of Sacramento, approved March 18th, 1864; Stats. 1863-4, p. 194.

An Act to regulate the times for holding the terms and sessions of the County Court, Probate Court, and the Board of Supervisors of the County of San Mateo, approved March 24th, 1864; Stats. 1863-4, p. 242.

An Act providing for the time of holding the County and Probate Courts in the Counties of Alameda and Napa, approved April 1st, 1864; Stats. 1863-4, p. 295.

An Act to change and fix the time of holding the Probate Court in the County of San Bernardino, approved April 4th, 1864; Stats. 1863-4, p. 395.

An Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April 4th, 1864; Stats. 1863-4, p. 421.

An Act to fix the time of holding the County and Probate Courts in the Counties of Shasta and Mendocino, approved April 4th, 1864; Stats. 1863-4, p. 476.

#### TRANSFER OF CASES FROM OLD TO NEW COURTS.

An Act providing for the transfer of cases, on the first day of January next, to the Courts established by the present Constitution, approved December 23d, 1863; Stats. 1863-4, p. 1.

An Act to provide for the suing and transfer of cause pending in the District Court in and for the County of Contra Costa, approved April 4th, 1864; Stats. 1863-4, p. 500.

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## CHAPTER LI.

### CRIMES AND PUNISHMENTS.

#### SECTION 663. Reference to Acts and Code.

Reference  
to Acts  
and Codes.

#### 663.

See Annotated Penal Code, where full reference is given to all legislation upon this subject.

The Penal Code supersedes all Acts in relation to crimes and punishments, and expressly the following Acts.

The following references show the legislation which has been had in reference to the subject:

An Act concerning crimes and punishments, passed April 16th, 1850, p. 229.

Amendatory Acts, Stats. 1852, p. 111; 1855, pp. 105, 152; 1856, p. 219; 1858, p. 206; 1859, p. 188; 1861, pp. 588, 415; 1863, pp. 69, 645, 58; 1863-4, pp. 40, 298; 1865-6, pp. 468, 865, 46, 509, 191; 1867-8, pp. 49, 194, 604; 1869-70, pp. 654, 70, 777, 234, 67, 883. Reference  
to Acts  
and Codes.

SUPPLEMENTAL ACTS.

An Act supplementary to an Act concerning crimes and punishments, passed April 16th, 1850; approved March 3d, 1853, p. 33.

An Act amendatory of and supplemental to an Act concerning crimes and punishments, passed April 16th, 1850; approved April 27th, 1855, p. 152.

An Act amendatory of and supplemental to an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850; approved April 19th, 1856, p. 131.

An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850; approved April 16th, 1859, p. 297.

An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850; approved April 20th, 1863, p. 350.

An Act amendatory of and supplemental to an Act concerning crimes and punishments, passed April 16th, 1850, and the several Acts amendatory thereof and supplemental thereto; approved April 27th, 1863, p. 645.

An Act supplemental to an Act concerning crimes and punishments, passed April 16th, 1850, approved February 27th, 1864; Stats. 1863-4, p. 104.

An Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April 1st, 1864; Stats. 1863-4, p. 298.

An Act to prevent the counterfeiting of gold dust and other species of gold, approved April 28th, 1855, p. 178.

An Act to suppress injurious publications, approved April 21st, 1858, p. 204.

An Act to prevent the improper and criminal use of deadly weapons, approved May 5th, 1855, p. 268.

An Act to protect female children under the age of seventeen years, approved March 17th, 1860, p. 86.

An Act to prevent the stealing of dogs, approved March 7th, 1860, p. 70.

An Act to prohibit the carrying of concealed weapons, approved April 27th, 1863, p. 748.

MISCELLANEOUS ACTS.

An Act to provide for the punishment of embezzlement of public money, and other purposes, passed April 10th, 1851, p. 425.

An Act to prevent certain officers from dealing in certain securities or evidences of debt, approved May 4th, 1852, p. 64.

Reference  
to Acts  
and Code.

An Act entitled an Act to prevent persons from enticing seamen to desert, approved May 17th, 1853, p. 186.

An Act to protect the bodies of deceased persons and public graveyards, passed February 16th, 1854, p. 6.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State, passed March 24th, 1854, p. 15.

An Act to suppress houses of ill-fame, approved April 2d, 1855, p. 7.

An Act to prohibit any person or persons, association, company, or corporation, from exercising the privileges of banking or creating paper to circulate as money, approved April 19th, 1855, p. 128.

An Act to punish vagrants, vagabonds, and dangerous and suspicious persons, approved April 30th, 1855, p. 217.

An Act to prohibit the sale and disposal of adulterated spirits or alcoholic liquors, wines, or cider, approved April 14th, 1860, p. 18.

An Act to prohibit lotteries, raffles, gift enterprises, and other schemes of like character, approved April 24th, 1861, p. 229.

An Act for the protection of growing timber on all possessory claims and other private property, in certain counties in this State, and on or along public streets or highways and on public grounds, approved April 19th, 1862, p. 307.

An Act to provide for the punishment of persons cutting timber upon or carrying the same, when cut down, from any of the swamp and overflowed, tide, or marsh, or school lands, belonging to this State, approved April 27th, 1863, p. 739.

An Act to prevent the destruction of timber on the public lands of this State, approved March 2d, 1864; Stats. 1863-4, p. 136.

An Act to prevent the arming and equipping, within the jurisdiction of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April 25th, 1863, p. 490.

An Act to punish offenses against the peace of the State, approved April 27th, 1863, p. 755.

An Act to prevent the fraudulent conveyance or incumbrance of real estate by married women, approved April 27th, 1863, p. 750.

The Penal Code enumerates all the acts or omissions which are criminal or punishable, and none others are punishable than those prescribed by that Code, except those provided by some ordinance, municipal county, or township regulation passed or adopted and in force when the Penal Code took effect, or named in some of the statutes continued in force, as provided in Sec. 23 of the Penal Code.

See PENAL CODE, Secs. 6 and 23.



## CHAPTER LII.

## , CRIMINAL PRACTICE ACT.

SECTION 664. Reference to Acts and Code.

664.

See Annotated Penal Code, where full reference is given to all legislation had upon the subject.

Reference  
to Acts  
and Code.

The Penal Code supersedes all Acts in relation to Criminal Practice, and expressly repeals the following Acts:

An Act to regulate proceedings in criminal cases, passed April 20th, 1850, p. 275, amended by Act passed April 20th, 1850, p. 332, and by Act passed April 22d, 1851, p. 407, was repealed by an Act to regulate proceedings in criminal cases, passed May 1st, 1851, p. 212, below referred to.

An Act concerning the costs of criminal actions removed before trial, passed April 29th, 1851, p. 185.

An Act to regulate proceedings in criminal cases, passed May 1st, 1851, p. 212.

Amendatory Acts, Stats. 1854, p. 169; 1855, pp. 269, 275; 1856, p. 50; 1857, pp. 17, 71, 164, 181; 1858, p. 217; 1859, p. 186; 1860, pp. 71, 160; 1862, pp. 53, 536; 1863, pp. 158, 151; 1863-4, p. 394; 1865-6, pp. 418, 306; 1867-8, p. 704; 1869-70, pp. 787, 786.

## SUPPLEMENTAL ACTS.

An Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May 1st, 1851, approved April 22d, 1858, p. 217.

An Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, approved May 1st, 1851, and the several Acts amendatory thereof and supplementary thereto, approved April 3d, 1863, p. 158.

An Act supplementary to the Act entitled an Act concerning crimes and punishments (requiring Courts to inquire as to intoxication of defendants on trial, etc.), approved April 1st, 1864, Stats. 1863-4, p. 298.

See "CRIMES AND PUNISHMENTS."

## CHAPTER LIII.

## DEAF, DUMB, AND BLIND.

## SECTION 665. Reference to special Acts.

Reference  
to special  
Acts.

## 665.

An Act for the education and care of the indigent deaf, dumb, and blind, in the State of California, approved April 18th, 1860, p. 211.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to donate and convey a site for the institution to be erected for the education and care of the indigent deaf, dumb, and blind, in the State of California, approved April 27th, 1860, p. 277.

An Act supplemental to "An Act for the education and care of the indigent deaf, dumb, and blind, in the State of California, approved April 18th, 1860;" approved March 29th, 1861, p. 81.

An Act appropriating one thousand four hundred and forty-seven dollars and ninety-four cents, to pay the Board of Managers for quarter ending June 30th, 1861, was approved March 25th, 1862, p. 87.

An Act to provide bonds for completing the deaf, dumb, and blind asylum, approved April 27th, 1863, p. 583.

An Act to authorize the City and County of San Francisco to convey certain real estate to the State of California, approved March 28th, 1864; Stats. 1863-4, p. 260.

An Act supplemental to and amendatory of the foregoing Acts of April 18th, 1860, and April 27th, 1863, approved April 4th, 1864; Stats. 1863-4, p. 397.

An Act to reorganize and provide for the institution for the education and care of the deaf, and dumb, and the blind, in the State of California, approved March 31st, 1866, p. 579.

An Act to provide for changing the location of the California institution for the education of the deaf, dumb, and blind, approved March 31st, 1866, p. 540.

An Act supplementary to the foregoing Act of 1866, p. 540, approved March 14th, 1866, p. 156.

An Act to authorize the Commissioners of the deaf, dumb, and blind institute to convey certain lands of the State of California, approved March 12th, 1868, p. 132.

An Act to provide for the welfare and increase the efficiency of the California institution for the deaf, and dumb, and the blind, approved March 4th, 1870, p. 113.

An Act to provide the institution for the deaf, dumb, and the blind, with a geological and mineral cabinet, approved April 4th, 1870, p. 700.

Trustees to make report to Governor; Act approved March 18th, 1870, p. 333.

See POLITICAL CODE, Part III, Title V, Chapter II, "DEAF, DUMB, AND BLIND ASYLUM" superseding this Act, above given.

CHAPTER LIV.

DEATH BY WRONGFUL ACT.

SECTION 666. Reference to Acts.

666.

An Act requiring compensation for causing death by wrongful act, neglect, or default, approved April 26th, 1862, p. 447. Reference to Acts.

See CODE OF CIVIL PROCEDURE, Secs. 376 and 377, superseding the above Act.

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CHAPTER LV.

DEL NORTE COUNTY.

SECTION 667. Reference to special and local Acts.

667.

Boundaries, Stats. 1857, p. 35; 1858, p. 21.

Seat of justice, Stats. 1857, p. 35.

Providing for organization, Stats. 1857, p. 35; 1858, p. 36; 1859, p. 300. Reference to special and local Acts.

Reducing amount of bonds to be given by county officers, Stats. 1858, p. 206.

Legalizing certain matters connected with the Crescent City Plank Road and Turnpike Company, Stats. 1859, p. 60.

In relation to trial jurors in Court of Sessions and County Courts, Stats. 1859, p. 159; 1862, p. 247.

Authorizing Board of Supervisors to levy additional tax for county purposes, Stats. 1860, p. 53.

Fixing time for holding Court of Sessions and County Court, Stats. 1860, p. 72.

For adjustment and final settlement of indebtedness of Del Norte County to Klamath County, Stats. 1860, p. 73.

Fixing times of meeting of Board of Supervisors, Stats. 1860, p. 224.

Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.

Concerning roads and highways, Stats. 1862, p. 69; 1863-4, p. 296.

To provide means to pay indebtedness of Del Norte County to Klamath County, Stats. 1862, p. 209.

To regulate mileage, Stats. 1863, p. 241.

Authorizing Board of Supervisors to issue certain bonds and providing for payment, Stats. 1863-4, p. 105.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

In regard to offices of Recorder and Auditor, etc., Stats. 1863-4, p. 187.

Reference  
to special  
and local  
Acts.

Concerning offices of Clerk and Recorder, Stats. 1863-4, p. 395.  
County Clerk ex officio Recorder, Stats. 1866, p. 12.  
Canal companies incorporated, Act amended, Stats. 1866, pp. 53, 604;  
1868, p. 134.  
Creating Redemption Fund, Stats. 1866, p. 221; 1870, p. 403.  
For the relief of, Stats. 1866, p. 376.  
Roads and highways in, Stats. 1866, p. 544.  
Act concerning jurors, Stats. 1868, p. 39.  
Official bonds of county officers, Stats. 1868, p. 349.  
Indigent sick, Act for relief of, Stats. 1868, p. 58; 1870, pp. 48, 808.  
Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
Levy of State and county taxes, Stats. 1868, p. 562.  
Changing time for settlement with State, Stats. 1870, p. 424.  
For the erection of a jail, Stats. 1870, p. 120.  
To issue bonds in aid of telegraph lines, Stats. 1870, p. 508.  
To fix official bond of Tax Collector, Stats. 1870, p. 808.

#### TOWN OF CRESCENT CITY.

State to cede certain property, Stats. 1868, p. 335; 1870, p. 131.  
To provide for payment of certain salaries, Stats. 1870, p. 219.  
Herding sheep, Act in relation thereto, Stats. 1870, p. 304.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The laws relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER LVI.

## DESCENTS AND DISTRIBUTIONS.

SECTION 668. *Reference to Acts.*

## 668.

An Act to regulate descents and distributions, passed April 13th, 1850, p. 219, amended May 15th, 1862, p. 569. Reference to Acts.

An Act relative to escheated estates (providing for inheritance of real and personal property by aliens and non-resident foreigners), approved April 19th, 1856, p. 137.

See "ESCHEATS."

The second section of the Act of April 13th, 1850, p. 219, relating to the inheritance and adoption of minors was repealed by the tenth section of the Act approved March 31st, 1870, p. 530. By a typographical error the section is made to read "the Act of April tenth," instead of thirteenth, the latter being the true date of the Act.

See CIVIL CODE, Division 2, Part III, Title VII, "SUCCESSION," which supercede all prior enactments.

## CHAPTER LVII.

## DISTANCES, LEGAL.

SECTION 669. *Reference to Acts.*

## 669.

An Act defining the legal distances from each county seat in the State of California to the State Capitol, at Sacramento, the State Lunatic Asylum, at Stockton, and the State Prison, at San Quentin, passed May 15th, 1854, p. 182, and amended by Act approved April 10th, 1855, p. 105, was repealed by the following Act: Reference to Acts.

An Act defining the legal distances from each county seat to the Capitol, Lunatic Asylum, and State Prison, approved April 24th, 1858, p. 256, amended March 5th, 1861, p. 39.

An Act to define the legal distances from the county seat of Lake County to Capitol, Lunatic Asylum, and State Prison, approved March 5th, 1864, Stats. 1863-4, p. 154.

An Act defining the legal distances from the county seat of Alpine County to the Capitol, Lunatic Asylum, and State Prison, approved April 1st, 1864, Stats. 1863-4, p. 306.

An Act defining the legal distances from the county seat of Lassen County to the State Capitol, Lunatic Asylum, and State Prison, approved April 4th, 1864, Stats. 1863-4, p. 476.

Amendment to the second section of the Act approved April 24th, 1858, p. 256, in reference to legal distances, approved April 1st, 1870, p. 568.

An Act to define the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino, and Mono Counties, approved March 30th, 1868, p. 563.

See POLITICAL CODE, Secs. 151-201, "LEGAL DISTANCES," superseding the above Acts.

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## CHAPTER LVIII.

### DISTRIBUTION OF LAWS, JOURNALS, AND PUBLIC DOCUMENTS.

#### SECTION 670. Reference to Acts.

Reference  
to Acts.

#### 670.

An Act to provide for the distribution of the Journals, laws, Supreme Court Reports, and other documents, passed April 22d, 1850, p. 340, was repealed by "An Act to provide for the public printing," approved April 29th, 1852, p. 113.

An Act for the more effectual distribution of the laws, Journals, and public documents of the State of California, approved May 17th, 1853, p. 187.

An Act concerning the office of Secretary of State (prescribing his duties as to the distribution of laws, Journals, etc.), passed May 15th, 1854, p. 256.

See "SECRETARY OF STATE."

An Act to authorize the printing and distribution of certain laws and blanks, approved March 24th, 1866, p. 379.

An Act concerning the laws and decisions of the Supreme Court distributed to State, county, and township officers, approved March 17th, 1866, p. 270.

See POLITICAL CODE, Secs. 409 and 410, superseding the above Acts.

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## CHAPTER LIX.

### DISTRICT ATTORNEYS.

#### SECTION 671. Reference to Acts.

#### 671.

An Act concerning the office of District Attorney, passed March 27th, 1850, p. 112 (as also an Act concerning the office of County Attorney,

passed March 27th, 1850, p. 112, which resembled it in many particulars), was repealed by the following Act:

Reference  
to Acts.

An Act concerning District Attorneys, passed April 29th, 1851, p. 187, amended March 21st, 1863, p. 95.

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors (relating to claims against counties and prescribing the duties of District Attorneys in such cases), approved May 12th, 1853, p. 164.

See "COUNTIES."

A resolution was adopted April 18th, 1857, p. 376, instructing and directing the District Attorneys of the several counties of the State to bring suit against any County Treasurer of their respective counties who may have violated the provisions of the Revenue Act of May 15th, 1854, etc.

In Tuolumne and Santa Barbara Counties, by Act approved April 18th, 1859, p. 336, the District Attorneys were required in certain cases to petition the Probate Courts for letters of administration to any qualified person, etc.

See "PUBLIC ADMINISTRATORS."

In Contra Costa County, by Act approved February 9th, 1860, p. 24, the District Attorney was required to defend all suits of a civil nature brought against the county officers in which the county was the real party in interest.

An Act authorizing the District Attorneys of the Counties of Mariposa and Sutter to appoint deputies, approved February 11th, 1862, p. 5, was repealed by Act approved March 21st, 1863, p. 95.

An Act relative to the office of District Attorney of the County of Sacramento, requiring him to collect all delinquent municipal or levee taxes or street assessments, etc., was approved March 16th, 1864, p. 183.

For the law prescribing the duties of District Attorneys, superseding all prior enactments, see POLITICAL CODE, Part IV, Title II, Chap. III, Art. VIII, "DISTRICT ATTORNEY."

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## CHAPTER LX.

### DIVORCES.

SECTION 672. Reference to Acts.

672.

Reference  
to Acts

An Act concerning divorces, passed March 25th, 1851, p. 186.

An Act supplementary to the foregoing Act, approved April 24th, 1857, p. 240.

Amendment to Act concerning divorces, passed March 25th, 1851, p. 186, approved March 12th, 1870, p. 291.

See CIVIL CODE, Div. I, Part III, Title I, "MARRIAGE." The Code supersedes all prior laws.

## CHAPTER LXI.

## EL DORADO COUNTY.

## SECTION 673. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 673.

Boundaries, Stats. 1850, p. 61; 1851, p. 176; 1863, pp. 231, 349; 1863, p. 178.

Seat of justice, Stats. 1850, p. 61; 1851, p. 176; 1854, p. 74; 1856, p. 102; 1857, p. 33.

Authorizing funding of debt and providing for payment, Stats. 1852, p. 182; 1853, p. 25.

For relief of W. Rogers, Sheriff, Stats. 1852, p. 266.

Concerning the securities of the late John H. Phillips, County Treasurer, Stats. 1853, p. 31.

To ascertain indebtedness, Stats. 1853, p. 61.

Abolishing Board of Supervisors, Stats. 1853, p. 227.

Authorizing release of J. G. Bircham and sureties from recognizance and judgment, Stats. 1854, p. 40.

To submit question of removal of county seat to voters, Stats. 1854, p. 74; 1856, p. 102.

Attaching portion of El Dorado to Amador County, Stats. 1855, p. 113.

Incorporating Town of El Dorado, Stats. 1855, p. 116; 1857, p. 7.

Reducing salary of County Judge, Stats. 1857, p. 57.

Relating to and fixing residence of County Judge, Stats. 1857, p. 190.

Submitting to people proposition to appropriate money for construction of wagon road, Stats. 1857, p. 272; 1858, p. 50.

Separating office of Collector of Taxes from office of Sheriff, Stats. 1857, p. 313.

Authorizing J. R. Munson to remove remains of deceased persons, Stats. 1858, p. 41.

Providing for construction of branch wagon road and authorizing Board of Supervisors to levy special tax for purpose, Stats. 1858, p. 48.

Concerning office of Public Administrator, Stats. 1858, pp. 114, 297.

Extending term of office of Supervisors, changing manner of election, defining duties and powers in certain cases, and establishing salaries, Stats. 1858, p. 115.

Incorporating Town of Coloma, Stats. 1858, p. 207.

Fixing salary of District Attorney, Stats. 1859, p. 59.

Fixing compensation of Tax Collector and his deputies, etc., Stats. 1859, p. 63; 1862, p. 130; 1863, p. 742.

Fixing amount of official bonds of county officers, Stats. 1859, p. 189.

Fixing terms of County Court and Court of Sessions, Stats. 1859, p. 226; 1862, p. 61.

Regulating fees of certain officers, witnesses, and jurors, Stats. 1859, p. 362.



For relief of A. D. Park, late County Treasurer, Stats. 1860, p. 25.

Authorizing Board of Supervisors to levy toll for crossing at Brock-  
line' Bridge, Stats. 1860, p. 144; 1861, p. 80.

Reference  
to special  
and local  
Acts.

Concerning offices of Sheriff, Clerk, Recorder, Treasurer, Collector,  
and Assessor, and fixing their compensation, Stats. 1860, p. 349; 1861,  
p. 126; 1862, p. 129.

Authorizing Placerville Turnpike Company to have and maintain  
bridge across Webber Creek, Stats. 1861, p. 91.

For relief of T. Wilcox, Stats. 1861, p. 258.

In relation to public roads and road fund, Stats. 1861, p. 519; 1862,  
pp. 22, 161; 1863, p. 144.

Authorizing Board of Supervisors to purchase building for use of  
county, Stats. 1861, p. 534.

For relief of W. D. Shirley and others, Stats. 1862, p. 44.

Granting right to construct and maintain bridge across South Fork of  
American River at Coloma, Stats. 1862, p. 131.

Granting to E. P. Bowman and associates right to construct and  
maintain toll bridge across Cosumnes River, Stats. 1862, p. 131.

Authorizing Board of Supervisors to lease Sacramento and El Dorado  
wagon road for term of years, Stats. 1862, p. 162.

Granting right to keep and maintain bridge across North Fork of  
American River near Carrolton, Stats. 1862, p. 273.

Granting right to construct and maintain bridge across South Fork  
of American River at Salmon Falls, Stats. 1862, p. 293.

Creating offices of Township Collectors and Assessors, Stats. 1862, p.  
129; 1863, p. 44; 1863-4, p. 466.

Granting to L. Lamb and associates right to construct and maintain  
toll bridge across Cosumnes River, Stats. 1863, p. 40.

For relief of D. W. Standeford, Deputy Tax Collector of foreign  
miners' licenses, Stats. 1863, p. 92.

Authorizing Board of Supervisors to subscribe two hundred thousand  
dollars to stock of Placerville and Sacramento Valley Railroad Com-  
pany, etc., Stats. 1863, p. 122; 1863-4, p. 383.

Granting right to construct and maintain bridge across American  
River, near Rattlesnake Bar, Stats. 1863, p. 142.

Regulating fees of County Clerk, Stats. 1863, p. 188.

Defining boundary line between this and Amador County, Stats.  
1863, p. 231.

Providing for construction of wagon road from Georgetown, via north  
side of Lake Bigler, to eastern boundary of State, Stats. 1863, p. 324.

Granting right of way over certain lands for construction of wagon  
road (W. B. Carr's), Stats. 1863, p. 330.

Concerning United Order of Ancient Druids, Stats. 1863, p. 402.

Regulating fees of Constables, Stats. 1863, p. 488.

Authorizing Board of Supervisors to lease branch wagon road for  
term of years, Stats. 1863, p. 557.

Reference  
to special  
and local  
Acts.

Consolidating certain school districts in El Dorado and Sacramento Counties, Stats. 1863, p. 568.

Fixing terms of County Court and Probate Court, Stats. 1863-4, p. 26.

Extending time for assessing real and personal property for fiscal year ending 1st March, 1864, Stats. 1863-4, p. 26.

Fixing amount of official bond of Public Administrator, Stats. 1863-4, p. 36.

Authorizing Board of Supervisors to sell certain property ("corner lot" in Placerville), Stats. 1863-4, p. 83.

Creating Alpine County, Stats. 1863-4, p. 178.

Authorizing Board of Supervisors to subscribe one hundred thousand dollars in addition to amount heretofore subscribed to stock of Placerville and Sacramento Valley Railroad Company, etc., Stats. 1863-4, p. 378.

Act concerning offices, Stats. 1866, pp. 127, 865; 1868, p. 43.

Terms of County and Probate Courts, Stats. 1866, p. 84.

Relief of Assessor and Collector in, Stats. 1866, p. 143.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.

Term of Supervisors extended, Stats. 1866, p. 85.

To create offices of Township Collectors and Assessors, Stats. 1866, p. 474; repealed as to El Dorado, Stats. 1868, p. 559; 1870, p. 637.

Franchise for construction of turnpike roads in, Stats. 1866, p. 478.

Franchise to H. H. South and others for turnpike road from Colusa Valley, Stats. 1866, p. 488.

Township Collectors and Assessors, Stats. 1866, p. 618.

Public roads, Stats. 1866, p. 813.

Compensation of Sheriff for care of prisoners, Stats. 1866, p. 866.

To levy additional tax for county purposes, Stats. 1868, p. 85.

Act concerning jurors, Stats. 1868, p. 39.

Supervisors to meet as Board of Equalization, Stats. 1868, p. 96.

Recorder made salaried officer, Stats. 1868, p. 43.

Township Assessors to assess certain property, Stats. 1866, p. 474; 1868, pp. 404, 559; 1870, pp. 55, 637.

Fees and salaries of officers, Stats. 1870, pp. 198, 747; repealing former laws.

Public roads and road tax, Stats. 1868, p. 505; 1870, p. 878.

Authorizing assessment of railroad property, Stats. 1868, p. 404.

For the relief of D. L. Britten, Stats. 1868, p. 703.

To legalize assessments, Stats. 1870, p. 55.

To legalize name of Lake Bigler, Stats. 1870, p. 64.

Granting leave of absence to Sheriff, Stats. 1870, p. 416.

County Judge to appoint phonographic reporters, Stats. 1870, p. 5.

To create redemption fund for county expenses, and other funds, Stats. 1870, p. 432.

Leave of absence granted Sheriff, Stats. 1870, p. 416.

Concerning lawful fences, Stats. 1870, p. 584.

For the relief of John Cartheche, Stats. 1870, p. 727.

## CITY OF PLACERVILLE.

Incorporating Town of Placerville, Stats. 1854, p. 199; 1857, p. 244; 1859, p. 86. Reference to special and local Acts.

Providing for funding debt and for payment, Stats. 1858, p. 43.

Incorporating City of Placerville, Stats. 1859, p. 77; 1860, p. 188; 1861, p. 291; 1862, p. 270; 1863, p. 220.

Defining the number of Justices of the Peace and Constables for the City and Township of Placerville, Stats. 1860, p. 106.

Enabling Mayor and Common Council to pay a certain claim of W. J. Lewis, Stats. 1862, p. 78.

Authorizing Common Council to subscribe one hundred thousand dollars to stock of Placerville and Sacramento Valley Railroad Company, etc., Stats. 1863, p. 86.

Authorizing Common Council to issue certain bonds for relief of Fire Department, Stats. 1863, p. 166.

To reincorporate City of Placerville and extend limits thereof, Stats. 1863, p. 211; 1863-4, p. 493.

Concerning common schools in city, 1863-4, p. 303.

To legalize assessment of taxes, Stats. 1868, p. 575.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER LXII.

## ELECTIONS.

## SECTION 674. Reference to Acts.

Reference  
to Acts.

## 674.

Attention may be here directed to the special and local legislation which, where it exists, more or less affects the general laws. References to all such legislation will be found under the heads of the respective counties.

## ELECTION LAW IN GENERAL.

An Act to provide for holding the first county election was passed March 2d, 1850, p. 81; and a supplemental Act passed March 9th, 1850, p. 85. Further provision concerning the subject was made in an Act to provide for the complete organization of all the counties in this State, passed April 18th, 1850, p. 259.

An Act to regulate elections, passed March 23d, 1850, p. 101.

Amendments to an Act to regulate elections, passed March 23d, 1850, p. 101; Stats. 1851, pp. 160, 180; 1855, p. 160; 1861, p. 529; 1863, pp. 353, 398, 745; 1863-4, p. 467.

An Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject, approved March 31st, 1866, p. 509; amendment approved March 30th, 1868, p. 180.

Article III, relating to the place of holding elections, and also of Inspectors, Judges, and Clerks of Elections, was repealed by an Act approved March 31st, 1866, p. 509.

## SUPPLEMENTAL ACTS.

An Act supplemental to the foregoing Act, approved May 18th, 1853, p. 269 (relating to election returns and issuance of commissions in certain cases), was repealed by Act approved May 18th, 1861, p. 529.

An Act supplemental to the foregoing Act of March 23d, 1850, approved May 4th, 1855, p. 241 (relating to statements of returns by County Clerks), was also repealed by Act approved May 18th, 1861, p. 529.

## MOLESTING BALLOT BOX.

An Act supplementary to an Act entitled "An Act to regulate elections," passed March 23d, 1850, approved May 7th, 1855, p. 296.

The Act in relation to molesting the ballot box at elections, approved May 7th, 1855, p. 296, as well as the Act in relation to ballot box stuffing, etc., approved April 15th, 1858, p. 165, were made to apply in elections under the Act approved March 28th, 1868, p. 456, but this latter Act was repealed by an Act approved April 4th, 1870, p. 879.

An Act relating to challenges of votes, amendatory of and supple-

mentary to the foregoing Act to regulate elections, approved April 4th, 1864, p. 467, was repealed by an Act approved March 31st, 1866, p. 509. Reference  
to Acts.

BALLOT BOX STUFFING, ETC.

An Act amendatory of and supplementary to an Act entitled an Act to regulate elections, passed March 23d, 1850, approved April 15th, 1858, p. 165.

PRIMARY ELECTIONS.

An Act to protect the elections of voluntary political associations, and to punish frauds thereon, approved March 26th, 1866, p. 438.

STATEMENTS OF ELECTIONS.

An Act to amend "An Act entitled an Act to regulate elections, passed March 23d, 1850," and the several Acts amendatory thereof, and supplemental thereto, approved May 18th, 1861, p. 529.

CHALLENGES OF VOTES.

An Act amendatory of and supplemental to an Act, passed March 23d, 1850, to regulate elections, approved April 4th, 1864, Stats. 1863-4, p. 467.

REGISTRATION OF VOTERS.

An Act to provide for the registration of the citizens of this State, and for the enrollment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March 19th, 1866, p. 288.

Supplementary sections in an Act to amend the foregoing Act, approved March 19th, 1866, p. 288, approved March 30th, 1868, p. 647.

PRESIDENTIAL ELECTORS.

An Act to provide for choosing electors of President and Vice President of the United States, approved April 28th, 1852, p. 144.

The Act amendatory to the Act of 1852, p. 144, approved March 26th, 1868, p. 433, was, with the original Act, repealed by the following Act, entitled: An Act to provide for choosing electors of President and Vice President of the United States, approved March 28th, 1868, p. 430.

Presidential electors, transmission of returns to Secretary of State, mileage, etc., Stats. 1866, p. 433.

REPRESENTATIVES IN CONGRESS.

An Act fixing the times at which Representatives in Congress shall be elected, approved April 24th, 1852, p. 146, was superseded by the following Act:

An Act fixing the times at which Representatives in Congress shall be elected, approved April 15th, 1858, p. 164.

## ELECTIONS.

Reference  
to Acts.

An Act to fix the time for holding election for members of Congress of the State of California, approved April 4th, 1870, p. 697.

This Act supersedes the Act of May 11th, 1868, p. 120; also, the Act of March 13th, 1866, p. 234.

## UNITED STATES SENATORS.

An Act prescribing the manner of electing United States Senators, approved January 30th, 1852, p. 146, was repealed by the following Act.

An Act prescribing the manner of electing United States Senators, approved April 14th, 1855, p. 112.

Amendment to an Act prescribing the manner of electing United States Senators, approved April 14th, 1855, p. 112, approved December 16th, 1865, p. 2.

## PAYMENT OF OFFICERS OF ELECTION.

An Act providing for the payment of officers holding elections, and for transmitting the returns thereof, approved May 2d, 1855, p. 228.

## SPECIAL JUDICIAL ELECTION.

An Act to provide for special elections for Superintendent of Public Instruction and judicial officers, approved March 21st, 1863, p. 91.

An Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers, approved April 1st, 1864, Stats. 1863-4, p. 307.

## POLL AND TALLY LIST PAPERS. .

An Act to provide for furnishing, in printed form, the poll and tally list papers for election returns, approved April 1st, 1864, Stats. 1863-4, p. 278.

The Act in relation to poll tally list papers, approved April 1st, 1864, p. 278, was repealed by the Act approved March 31st, 1866, p. 509.

## SOLDIERS' VOTE.

An Act in addition to an Act entitled an Act to regulate elections, approved March 23d, 1850, and all Acts amendatory thereof and supplemental thereto, approved April 25th, 1863, p. 549.

An Act to provide for the support of the privilege of free suffrage during the continuance of the war, approved April 1st, 1864, Stats. 1863-4, p. 279.

An Act amendatory of and supplemental to the Act of April 25th, 1863, approved April 4th, 1864, Stats. 1863-4, p. 431.

All these Acts were repealed by an Act approved March 17th, 1866, p. 277.

## SAN FRANCISCO MUNICIPAL ELECTION.

An Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April 22d, 1861, p. 214; amended May 3d, 1861, p. 291.

The provisions of this Act in regard to the time of the election of Judges and Justices of the Peace were superseded by the provisions of an Act concerning officers, approved April 22d, 1863, p. 386. Reference to Acts.

See "OFFICES."

An Act supplementary to the foregoing Act of April 22d, 1861, approved May 2d, 1862, p. 475.

An Act to change the time for holding municipal elections in the City and County of San Francisco, etc., approved April 22d, 1861, p. 214, and the Act supplementary thereto, approved May 2d, 1862, p. 475, were repealed by the Act approved April 2d, 1866, p. 718, which was a substitute therefor.

SPECIAL ACTS.

Election of Judge of Seventeenth Judicial District, Stats. 1868, p. 238.

On question of constitutional amendment, Stats. 1870, p. 368.

Of Superintendent of Public Instruction, provided in school law; Stats. 1870, p. 825.

[All the general laws relating to elections are repealed by the POLITICAL CODE, Part III, Title II, "OF ELECTIONS."]

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CHAPTER LXIII.

ESCHEATED ESTATES.

SECTION 675. Reference to Acts.

675.

An Act concerning escheated estates, approved May 4th, 1852, p. 103. Reference to Acts.

An Act amendatory of and supplementary to the foregoing Act of May 4th, 1852, approved April 30th, 1855, p. 221.

An Act amendatory of the foregoing Act of April 30th, 1855, approved March 3d, 1862, p. 27.

An Act relative to escheated estates, approved April 19th, 1856, p. 137.

Amendment to Act concerning escheated estates, passed May 4th, 1852, p. 103, approved February 16th, 1870, p. 72.

An Act to provide for the sale of escheated estates, approved March 3d, 1868, p. 215.

These Acts are superseded by the CODE OF CIVIL PROCEDURE, Part III, Title VIII, "OF ESCHATED ESTATES." See, also, POLITICAL CODE, Sec. 41.

## CHAPTER LXIV.

## ESTRAYS.

## SECTION 677. Estrays to be taken up.

- 678. Duty of citizens finding estrays.
- 679. Justice to appoint appraisers.
- 680. Duty of appraisers.
- 681. Justice to record description.
- 682. Record of copy of entry from entry book.
- 683. How estrays may be reclaimed.
- 684. When right is forfeited.
- 685. Animal not to be removed from county.
- 686. Animal dying or escaping.
- 687. Proceedings where money paid.
- 688. Appropriation of money not legally withdrawn.
- 689. Owner not to take, etc.; penalty.
- 690. When taker-up of estray deemed guilty of larceny.
- 691. County may recover when taker-up neglects to pay over money.
- 692. Judgment against delinquent.
- 693. Fees.
- 694. Same.
- 695. Not applicable to certain counties.
- 696. Appropriation of moneys arising from sale of estrays.
- 697. Marks and brands.
- 698. Counties excepted from Act.

## ESTRAYS IN SANTA CLARA COUNTY.

- 699. Concerning estrays.
- 700. Duties of persons taking up animals; fees of Recorder; damages to taker-up; failure of owner to pay.
- 701. Constable to sell; proviso.
- 702. Fees of Constables.
- 703. Surplus disposed of, how.
- 704. Validity of sales.
- 705. Damages where more than ten animals.
- 706. Acts repealed.

## ESTRAYS IN ALAMEDA, BUTTE, CALAVERAS, CONTRA COSTA, DEL NORTE, HUMBOLDT, KLAMATH, LAKE, MARIN, MENDOCINO, SAN JOAQUIN, SAN MATEO, SISKIYOU, SOLANO, AND YOLO COUNTIES.

- 707. Notice of taking up; duty of Recorder.
- 708. Damages, etc.
- 709. Sale of estrays.
- 710. Fees.
- 711. Surplus.
- 712. When sale not valid.
- 713. Escaping stock.



SECTION 714. Damages for ten or more estrays.

715. Applicable to certain counties.

ESTRAYS IN NAPA COUNTY.

716. Estrays; fees of Recorder.

717. Payment of damages.

718. Sale; proviso.

719. Fees of Constables.

720. Surplus from sales.

721. Validity of sales.

722. Certain stock not deemed estrays.

723. Damages for ten or more estrays.

724. Applicable to Napa County.

725. Acts repealed.

SUTTER COUNTY.

726. Exemption.

SPECIAL ACTS.

727. Special Acts.

An Act concerning estray animals, passed May 1st, 1851, p. 299, which applied to all the counties of the State except San Diego, Santa Barbara, San Luis Obispo, Los Angeles, Monterey, Santa Cruz, Santa Clara, Marin, Sonoma, Mendocino, and Napa, was repealed by the following Act:

*An Act concerning estray animals.*

[Approved April 19, 1856, p. 186.]

[Enacting clause.]

[The following is the general estray Act; but as will be seen by reference to Sec. 17, it does not apply to San Diego, Santa Barbara, San Bernardino, Los Angeles, Monterey, and San Luis Obispo Counties. It has also been more or less superseded or repealed as to particular counties by the Acts which follow it.]

677. SECTION 1. Every citizen resident householder in any county in this State, on finding any stray horse, mare, mule, jack, or jennet, or any neat cattle, sheep, or goats, or any number of such animals, upon his farm or premises, who shall desire to take up the same, shall, at any time after the expiration of twenty days from the finding of the same, go before

Estrays to  
be taken  
up.

Same.

some Justice of the Peace in his township, or if there be no acting Justice therein, then before some Justice of a neighboring township, and make oath that he has made diligent inquiry throughout his neighborhood to ascertain the ownership of such estrays, and that he has also put up, ten days previously, a written notice in one or more of the most public places in his township, naming the place or places, setting forth all the information in his possession concerning the said animals, embracing a description of the marks and brands thereof, and that he has examined the county records of marks and brands, and that he found none of the marks or brands of such animal or animals upon record, and that he was about to post the same. He shall also at the same time make oath that the marks and brands of said animal have not been altered since they came to his farm or premises, and that the owner or owners are unknown to him. (Amendment approved March 28th, 1859, p. 147.)

[The above amendment does not apply to the Counties of Trinity, Tuolumne, and Sacramento. See Sec. 9 of the Act of March 28th, 1859, as to which counties the original Sec. 1 still applies. It is as follows:]

Duty of  
citizens  
finding  
estrays.

678. SECTION 1. Every citizen resident householder in any county in this State, on finding any stray horse, mare, mule, jack, or jenny, or any neat cattle, or any number of such animals, upon his farm or premises, who shall desire to take up the same, shall, at any time after the expiration of twenty days from the finding the same, if such animal or animals remain on his farm or premises, go before some Justice of the Peace of his township, or if there be no acting Justice therein, then before some Justice of a neighboring township, and make oath that he has made diligent inquiry throughout his neighborhood to ascertain the ownership of such estrays, and that he has also put up, ten

days previously, a written notice in one or more of the most public places in his township, naming the place or places, setting forth all the information in his possession concerning the said animals, embracing a description of the marks and brands thereof, and that he was about to post the same. He shall also at the same time make oath that the marks and brands of said animals have not been altered since they came to his farm or premises, and that the owner or owners are unknown to him.

679. SEC. 2. At the time the taker-up appears before the Justice as aforesaid, the Justice shall appoint two disinterested appraisers, who are resident householders of the county, to appraise and describe such animal or animals.

Justice to  
appoint  
appraisers.

680. SEC. 3. The appraisers so appointed, if they are not already able to describe and appraise such estray, shall, as soon as practicable, proceed to view the same, and make out a detailed description thereof, stating the marks, brands, supposed age, color, stature, and value of each animal, which description and valuation shall be signed by the appraisers, and sworn to before the Justice appointing them.

Duty of  
appraisers.

681. SEC. 4. It shall be the duty of the said Justice immediately to record in a book, to be by him kept for that purpose, a statement of the taking up, as aforesaid, together with a description, as sworn to by the appraisers, and their appraisement.

Justice to  
record  
description

682. SEC. 5. The Justice shall, within twenty days, if the estrays have not previously been claimed and proven, by the true owner, make out and transmit a certified copy of the entry in his estray book, as aforesaid, to the County Recorder of the county, which shall immediately be by him recorded in a book to be kept for that purpose. Said record, and also the Jus-

Record  
of copy of  
entry from  
entry book.

tice's book, to be, at all proper times, subject to examination, by all persons making application, without charge or fee.

How  
estrays  
may be  
reclaimed.

683. SEC. 6. If the owner of any stray horse, mare, mule, jack, or jenny, posted as aforesaid, shall, within six months, or the owner of neat cattle shall, within three months from the time the same was posted, appear and claim the same, he shall notify the taker-up thereof, and the owner shall establish his claim to such animals before some Justice of the Peace of the proper township, by such evidence as shall be satisfactory to the Justice. In all cases when the claimant shall make satisfactory proof of ownership, the Justice shall make an order that he have restitution of the animal so proven upon his paying the costs, and to the taker-up the expenses and costs that may be awarded him by the Justice; *provided*, the Justice shall not allow any expense for keeping an stray, which the taker-up, or any one under his authority, may have worked, ridden, or used while in his possession. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 386; took effect immediately.)

When right  
is forfeited.

684. SEC. 7. If the owner of any lost or stray animal shall not appear and prove his property therein within the time specified in section one of this Act, he shall forfeit his right thereto, and the property in such animal shall be vested in the taker-up, upon his paying into the County Treasury the one half appraised value thereof, as fixed by the appraisers as aforesaid. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 386; took effect immediately.)

Animal  
not to be  
removed  
from  
county.

685. SEC. 8. No person taking up any animal under this Act shall sell, exchange, or dispose of the same in any manner, or remove the same from the county in which it was posted, until after the expiration of the time specified in section one of this Act

from the posting, and until he shall have paid the one half appraised value into the County Treasury. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 386; took effect immediately.)

686. SEC. 9. If any stray animal die, or escape from the possession of the taker-up, at any time before the expiration of the time specified in section one of this Act from the taking up, he shall not be held liable in any manner on account of such animals. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 386; took effect immediately.)

Animal  
dying or  
escaping.

687. SEC. 10. In all cases where money has been paid into the County Treasury, pursuant to the seventh section of this Act, the same shall be kept in separate account by the Treasurer, and safely held in trust for the space of six months after it is so paid in, to be paid over to the true owner of the stray, upon such owner within the said time producing to the Treasurer the certificate of the proper Justice, setting forth that said owner had made satisfactory proof of ownership within the six months, as aforesaid, by a like proceeding as provided for in the sixth section of this Act; the Treasurer retaining out of said money his own percentage.

Proceed-  
ings where  
money paid

688. SEC. 11. All moneys paid into the County Treasury under the provisions of this Act, if not legally withdrawn, as above provided, shall become a part, and belong to the County School Fund, and be drawn from the County Treasury on the warrant of the County Superintendent, and shall be exclusively appropriated to the County School Fund, and for no other purpose.

Appropri-  
ation of  
money not  
legally  
withdrawn.

689. SEC. 12. The owner of any stray animal which has been legally taken up, or for the taking up of which proceedings have been commenced under

Owner not  
to take, etc.

Penalty.

this Act, knowing the same to have been posted, shall not be permitted to take, lead, or drive the same from the premises or possession of the person legally possessed thereof, until proven and the charges paid; and any person knowingly and willfully violating the provisions of this section shall be subject to all the penalties that he would be subject to under the statute law; *provided*, he had no claim to said animal.

When  
taker-up  
of stray  
deemed  
guilty of  
larceny.

690. SEC. 13. If any person shall take into use, or in any manner dispose of any lost or stray animal which may be found upon his farm or premises, or exercise any control over any such animal, except in case said animal has broken into his lawful inclosure, without having first posted the same, or having proceeded to post any such animal, shall use or in any manner dispose of the same, contrary to and in violation of the provisions of this Act, he shall be deemed guilty of larceny and punished accordingly.

County  
may  
recover  
when  
taker-up  
neglects to  
pay over  
money.

691. SEC. 14. If at the expiration of the time specified in section one of this Act from the taking up of any stray under this Act, the Justice before whom the same was posted, his successor in office, or the District Attorney of the county, has good reason to believe the taker-up has not duly paid into the County Treasury the one half appraised value, as herein required, it is hereby made the special duty of said Justice in whose custody the record of the stray remains, or the District Attorney, to issue a notice to the delinquent, requesting him to appear before the Justice on a day specified, and show cause, if any he can, why judgment should not be entered against him in favor of the county for the sum. Such notice may be delivered to the Sheriff of the county, or any Constable of the proper township, and by him served on the proper party. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 386; took effect immediately.)

692. SEC. 15. If no sufficient cause be shown, the Justice shall enter judgment against the delinquent, for the amount due the county, with costs, which judgment shall be a lien upon all the property, real and personal, belonging to the delinquent, from the time the same is entered. Judgment  
against  
delinquent.

693. SEC. 16. In all cases where any services are performed by any officer or officers under this Act, their fees shall be allowed as follows: To the Justice, for all services connected with the posting of the animal or animals, which shall include the transcript for the Recorder, two dollars; the County Recorder, for recording transcript and all other services, two dollars; which fees shall be paid by the taker-up. Said taker-up shall be allowed five dollars for taking up such animal or animals, taken up at the same time, and one dollar per head per month for the keeping of the same, provided the same be of cattle; and two dollars, provided the same be of the horse kind; and twenty-five cents, provided the same be sheep or goats. (Amendment approved March 28th, 1859, p. 147.) Fees.

[The above amendment does not apply to the Counties of Trinity, Tuolumne, and Sacramento (see Sec. 9 of the Act of March 28th, 1859, given, post), as to which counties the original section is in force, as follows:]

694. SEC. 16. In all cases wherein any services are performed by any officer or officers under this Act, their fees shall be allowed as follows, viz: To the Justice, for all services connected with the posting the animal or animals, which shall include the transcript for the Recorder, two dollars; to the County Recorder, for recording transcript, one dollar; for all services performed by the Justice under this Act other than the above, and for all services performed by other Same.

officers, the same fees as are allowed to civil officers in similar cases.

Not  
applicable  
to certain  
counties.

695. SEC. 17. "An Act entitled "An Act concerning stray animals," passed May first, one thousand eight hundred and fifty-one, is hereby repealed; *provided*, that nothing in this Act be construed so as to apply to the Counties of San Diego, Santa Barbara, San Bernardino, Los Angeles, Monterey, and San Luis Obispo.

*An Act amendatory of and supplementary to the foregoing Act of April nineteenth, eighteen hundred and fifty-six.*

[Approved March 28, 1859, p. 147.]

[Enacting clause.]

[Sections 1, 2, 3, 4, 5, and 6 contain the amendments to Secs. 1, 7, 8, 9, 14, and 16 of the Act of April 19th, 1856, either therein inserted or referred to in notes, where since further amended.]

Appropriation of  
moneys  
arising  
from sale  
of estrays.

696. SEC. 7. It shall be the duty of the Justice of the Peace, upon the receipt of the money proceeding from the sale of such stray or strays, to award to the taker-up the amount as provided for in this Act, and pay the same; also, five per cent of said proceeds to the Constable, and pay the residue to the County Treasurer, taking his receipt for the same, and transmit it to the County Recorder, together with the transcript of marks and brands of the said animal or animals. When the owner of such animal or animals shall appear and prove the same, it shall be the duty of the Justice of the Peace to transmit a notice of the same to the County Recorder.

Marks and  
brands.

697. SEC. 8. Whenever the brand or mark of any animal claimed to be an stray under the provisions of this Act, is recorded in the office of the County Re-



order of the county of which such animal may be, it shall be the duty of any person upon whose premises such animal may be, to give the owner of such brand or ear-mark so recorded, twenty days notice of the fact that such animal is claimed by him to be an estray. It shall be unlawful for any person to post or take up any animal as an estray under the provisions of this Act, the brands and ear-marks of which are so recorded, until after such notice has been given.

698. SEC. 9. The provisions of this Act shall not apply to the Counties of Trinity, Tuolumne, and Sacramento. (Amendment approved January 24th, 1860, p. 9.)

Counties  
excepted  
from Act.

#### ESTRAYS IN SANTA CLARA COUNTY.

*An Act concerning estrays and animals found running at large in the County of Santa Clara.*

[Approved April 27, 1863, p. 581.]

[Enacting clause.]

699. SECTION 1. Any person finding at any time an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of such animals, upon his farm, or other inclosed premises, or any person finding any or all of said animals running at large, whether the owners of such animals are known or unknown, may take the same up and proceed therewith as hereinafter directed; and no person shall remove such animals from the possession of the taker-up, or from the possession of the officer into whose hands they may be placed for the purposes of sale, except as hereinafter provided. (Amendment approved February 20th, 1864, Stats. 1863-4, p. 98; took effect from passage.)

Concerning  
estrays.

Duties of  
persons  
taking up  
animals.

700. SEC. 2. The person taking up such animal or animals shall confine the same in a secure place within the township where they are taken up, and shall post notices, containing a description of them, with the marks and brands, if they have any, and a statement of the place of finding and the place where such animals are confined, as follows: one notice at the door of the school house of the school district wherein they were found, one at the door of the nearest Post Office, and shall file one with the County Recorder of Santa Clara County; and if the mark or brand of the owner or owners of such animals is recorded in the office where such notice is filed, the Recorder shall, within three days after the filing of such notice, deposit a copy thereof in the nearest Post Office, with the postage paid thereon, addressed to the owner or owners of said animals, or if owned by a company, to the President or managing agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof, as required by the provisions of this section. If the owner of the animals posted by virtue of this Act fails to appear within twenty days thereafter and prove his property, and pay damages to the taker-up, as follows: for every sheep, the sum of fifty cents; for every hog or goat one dollar, and for other animals mentioned in the Act, two dollars per head, also the fees of the Recorder, then the finder of such animals may give notice to any Constable of the county of the posting of said animals.

Fees of  
Recorder.

Damages to  
taker-up.

Failure  
of owner  
to pay.

Constable  
to sell.

Proviso.

701. SEC. 3. The Constable notified shall immediately proceed to sell such animals at public sale, in conformity with the law concerning sales on execution; *provided*, that said owner or owners may redeem said animals at any time before sale, by paying the aforesaid damage, and such costs as may have accrued

to the officers; and *provided further*, that such owner or owners may redeem such animals at any time within six months after such sale, by producing satisfactory evidence of his right thereto and paying to the purchaser the amount of the purchase money, with five per cent added thereto, together with the necessary expenses incurred by said purchaser in keeping said animals.

702. SEC. 4. The Constable making such sales shall be entitled to the same fees as are provided for by law for sales on execution. Fees of Constables.

703. SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he be present and demand the same, and produce satisfactory evidence of his right thereto; and if not, then said Constable shall pay such surplus to the County Treasurer, and take his receipt therefor, which receipt he shall file with the County Recorder of Santa Clara County. If any person or persons shall, within one year thereafter, prove to the satisfaction of the Board of Supervisors of said county that he or they are entitled to such sum, or any part thereof, said Board of Supervisors shall order such sum to be paid over to such person or persons, and if not so ordained, the same shall become a part of the Common School Fund of said county. Surplus disposed of, how.

704. SEC. 6. No sale made by virtue of this Act shall be valid unless the provisions of section two hereof, in regard to notices, be fully complied with. Validity of sales.

705. SEC. 7. When more than ten of such animals belonging to one man are posted at one time, under the provisions of this Act, the damages for all above that number shall be one half of that specified in section three [two] of this Act. Damages where more than ten animals

Acts  
repealed.

706. SEC. 8. All Acts and parts which conflict with this Act are hereby repealed which relate to the County of Santa Clara; nothing herein contained shall be construed to deprive any person of the right to sue for damages for trespass by any animals under this Act.

SEC. 9. This Act shall take effect from and after its passage.

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ESTRAYS IN ALAMEDA, BUTTE, CALAVERA  
DEL NORTE, HUMBOLDT, KLAMATH, LA  
DOCINO, SAN JOAQUIN, SAN MATEO, SI  
AND YOLO COUNTIES.

*An Act concerning estrays in certain counties.*

[Approved April 27, 1863, p. 69.]

[Enacting clause.]

Notice of  
taking up.

707. SECTION 1. Any person finding a horse, mare, mule, jack, jenny, or any other animal, or sheep, hogs, or goats, or any number of any of them, on his farm or other inclosed premises, not containing a description of the place where such estrays, with all visible marks are found on them, as follows: one notice upon the school house door of the school district wherein the estrays are found, and upon the door of the nearest Post Office, and file another with the Recorder of the county wherein the estrays are found; and in case the mark or name of the owner or owners of the estray is recorded at the office where the notice is filed, then the Recorder shall, within three days after the filing of the notice, deposit a copy thereof in the Post Office, with postage paid thereon, addressed to the owner or owners of the stock, or if owned by a company, to the

Duty of  
Recorder.

dent or managing agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof, as required by this section.

708. SEC. 2. If the owner of the animals posted by virtue of this Act, fails to appear within twenty days thereafter, and prove his property, and pay damages to the taker-up, as follows: for sheep, ten cents each; for hogs and goats, fifty cents each; and for all other stock, one dollar each; also, the fees of the Recorder; then the finder of such estray may give notice to some Constable of the county of the posting of such estray. Damages,  
etc.

709. SEC. 3. The Constable notified shall immediately proceed to sell such estray at public sale, in conformity with the law concerning sales on execution, except the notice of the sale of horses, mares, jacks, mules, and jennies, shall not be less than twenty days; *provided*, the owners of estrays may, at any time before sale, retake them by paying the aforesaid damages, and such costs as may accrue to the officer. Sale of  
estrays.

710. SEC. 4. The Constable making such sale shall be entitled to the same fees as are provided by law for sales on execution. Fees.

711. SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he demand the same within three months after sale, and if not, then he shall pay such surplus to the County Treasurer, and it shall become a part of the School Fund. Surplus.

712. SEC. 6. No sale made by virtue of this Act shall be valid, unless the provisions of section one, in regard to notices, be fully complied with. When sale  
not valid.

Escaping  
stock.

713. SEC. 7. Stock mentioned in this Act, escaping from the lands of the owners or keepers into an adjoining farm or inclosure, shall not be considered estrays under the provisions of this Act.

Damages  
for ten  
or more  
estrays.

714. SEC. 8. In case above ten estrays, belonging to one man, are posted at one time, then the damages for all above that number shall be one half of that specified in section two of this Act.

Applicable  
to certain  
counties.

715. SEC. 9. This Act shall apply only to the Counties of Napa, San Mateo, Klamath, Del Norte, Marin, Humboldt, Mendocino, Lake, Alameda, Calaveras, Sutter, Siskiyou, and Contra Costa. It shall also apply to the Counties of Yolo, Solano, Butte, and San Joaquin, except so much thereof as relates to hogs.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to counties therein named, are hereby repealed.

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#### ESTRAYS IN NAPA COUNTY.

It will be observed that the following Act is nearly in the same words as the foregoing Act; that both Acts were approved upon the same day, and that the foregoing Act also mentions Napa County.

There is, or was, an Act relating to Napa City, which may be consulted in connection with this subject, entitled an Act to prevent certain animals from running at large in Napa City, approved April 10th, 1862, p. 210, amended April 17th, 1863, p. 322.

#### *An Act concerning estrays in the County of Napa.*

[Approved April 27, 1863, p. 590.]

[Enacting clause.]

Estrays.

716. SECTION 1. Any person finding an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of them, upon his farm or other inclosed premises, may post notices, containing a description of the place of the finding of

Each estrays, with all visible marks and brands upon them, as follows: one notice upon the school house door of the school district wherein the estrays are found, one upon the door of the nearest Post Office, and file another with the Recorder of the county wherein the estrays are found; and in case the mark or brand of the owner or owners of the estrays is recorded in the office where the notice is filed, then the Recorder shall, within three days after the filing of the notice, deposit a copy thereof in the Post Office, with the postage paid thereon, addressed to the owner or owners of the stock, or, if owned by a company, to the President or managing agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof as required by this section.

**Fees of  
Recorder.**

717. SEC. 2. If the owner of the animals posted by virtue of this Act fails to appear within twenty days thereafter, and prove his property and pay damages to the taker-up, as follows: for sheep, ten cents each; for hogs and goats, fifty cents each, and for all other stock, one dollar each; also, the fees of the Recorder, then the finder of such estray may give notice to some Constable of the county of the posting of such estray.

**Payment of  
damages.**

718. SEC. 3. The Constable notified shall immediately proceed to sell such estrays at public sale, in conformity with the law concerning sales on execution, except the notice of the sale of horses, mares, jacks, mules, and jennies, shall not be less than twenty days; *provided*, the owners of estrays may, at any time before the sale, retake them by paying the aforesaid damages and such costs as may accrue to the officer.

**Sale.**

**Proviso.**

Fees of  
Constables.

719. SEC. 4. The Constable making such sale shall be entitled to the same fees as are provided by law for sales on execution.

Surplus  
from sales.

720. SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he demand the same within three months after sale, and if not, then he shall pay such surplus to the County Treasurer, and it shall become a part of the School Fund.

Validity  
of sales.

721. SEC. 6. All sales made by virtue of this Act shall be valid if the provisions of section one, in regard to notices, be fully complied with, otherwise they shall be invalid.

Certain  
stock not  
deemed  
estrays.

722. SEC. 7. Stock mentioned in this Act escaping from the lands of the owners or keepers into an adjoining farm or inclosure, shall not be considered estrays under the provisions of this Act.

Damages  
for ten  
or more  
estrays.

723. SEC. 8. In case above ten estrays belonging to one man are posted at one time, then the damages for all above that number shall be one half of that specified in section two of this Act.

Applicable  
to Napa  
County.

724. SEC. 9. This Act shall apply to the County of Napa, and take effect and be in force from and after its passage.

Acts  
repealed.

725. SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to Napa County, except the Act entitled an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven.



SUTTER COUNTY.

*An Act to exempt the County of Sutter from the Act concerning estrays in certain counties of this State.*

[Approved January 27, 1864; Stats. 1863-4, p. 29.]

[Enacting clause.]

726. SECTION 1. The County of Sutter is hereby **Exemption**  
exempted from the provisions of the Act entitled an  
Act concerning estrays in certain counties of this  
State, passed April twenty-seventh, A. D. one thousand  
eight hundred and sixty-three.

727.

Special Acts were passed relative to estrays in Alameda County, ap- **Special**  
proved March 31st, 1866, p. 612; Stats. 1868, p. 479; 1870, p. 306, and **Acts.**  
San Mateo County, approved March 31st, 1870, p. 512, and other Acts  
establishing public pounds in Grass Valley, certain portions of San  
Joaquin County, and the City of San Diego. References to them will  
be found under the heads of the various counties.

See "TRESPASSING ANIMALS."

In San Francisco, San Joaquin, and Santa Clara Counties there are  
Special Acts in force relating to public pounds, which bear upon this  
subject of estrays. References to them will be found under the heads  
of those counties.

See "POUNDS."

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CHAPTER LXV.

EVIDENCE.

SECTION 728. Reference to Acts.

728.

An Act concerning evidence, approved February 5th, 1856, p. 21. **Reference**  
An Act concerning certified copies of certain instruments in writing, **to Acts.**  
approved April 29th, 1857, p. 317.  
An Act making certificates of purchase, or of location, evidence of  
title, approved April 13th, 1859, p. 227, and supplemental Act thereto,  
approved April 18th, 1859, p. 332.

An Act to provide for recording notice of claims to private land grants in this State, approved April 27th, 1860, p. 272.

An Act to regulate the recording of stamped instruments of writing approved January 15th, 1864, Stats. 1863-4, p. 14.

See "CONVEYANCES."

An Act relating to powers of attorney (affecting personal property) approved February 20th, 1864, Stats. 1863-4, p. 100.

See "POWERS OF ATTORNEY."

See CODE OF CIVIL PROCEDURE, Part IV, "OF EVIDENCE," superseding prior enactments.



## CHAPTER LXVI.

### EXAMINERS.

#### SECTION 729. Reference to Acts.

Reference  
to Acts.

#### 729.

An Act for the better protection of the State Treasury, approved April 16th, 1856, p. 100, amended April 27th, 1857, p. 268, was repealed by the following Act:

An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer approved April 21st, 1858, p. 212.

Amendatory Act approved January 29th, 1859, p. 5.

An Act amendatory of and supplemental to the foregoing Act of April 21st, 1858, approved April 8th, 1863, p. 235.

Sections 1, 2, and 3 contain the amendments to Secs. 5, 9, and 10 of the Act of April 21st, 1858, therein inserted.

Amendment to Act to create a Board of Examiners, passed April 21st, 1858, p. 212, approved March 25th, 1868, p. 296.

The appropriations made under the Act approved April 1st, 1870, p. 550, to be exempt from the provisions of the above Act, Stats. 1870, p. 550.

An Act to provide for the liquidation of all claims against the State not otherwise provided for by law, approved April 1st, 1870, p. 544.

To examine claims for soldiers' bounty, Stats. 1866, p. 11.

To audit and allow expense of catalogue for State Library, Stats. 1866, p. 215.

To allow expense of selecting and locating college grounds, Stats. 1866, p. 674.

To allow claim for salaries of officers, Stats. 1866, p. 691.

Duty as to sale and purchase of State bonds, Stats. 1866, p. 856.

Duties of, in counting money in State Treasury, Stats. 1866, p. 298.

Duties of, in sale and management of school lands, Stats. 1868, p. 528.

To examine and report on claims against the State, Stats. 1870, p. 544.

Appropriation for salary of expert, Stats. 1870, p. 736.

To appropriate money for claim of Clerk of Board of Examiners,  
Stats. 1868, p. 70.

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## **CHAPTER LXVII.**

### **EXECUTION OF DEATH SENTENCES.**

**SECTION 730.** Reference to Acts.

**730.**

An Act to abolish public executions, approved April 21st, 1858, p. 192. **Reference to Acts.**

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## **CHAPTER LXVIII.**

### **FEEs AND SALARIES.**

#### **FEEs—GENERAL PROVISIONS.**

**SECTION 731.** Fees and salaries payable in coin.

**732.** Fees of Clerk of District Court.

**733.** Same.

**734.** Fees of Clerks of District, County, and Probate Courts,  
and County Clerk and Recorder of certain counties.

**735.** Same as to other counties.

**736.** Same.

**737.** Clerk of Supreme Court.

**738.** Notary Public.

**739.** Sheriff.

**740.** Same.

**741.** Same.

**742.** Same.

**743.** Tax Collector.

**744.** Clerk of Board of Supervisors.

**745.** Compensation of Assessors and Auditors.

**746.** County Auditor.

**747.** County Treasurer.

**748.** County Assessor.

**749.** Assessor of Sacramento County.

**750.** District Attorneys.

**751.** Superintendent of Public Schools.

**752.** Public Administrator.

**753.** Constable.

**754.** County Coroners.

**SECTION 755. County Surveyor.**

- 756. Fees of Justices of the Peace.
- 757. Board of Supervisors.
- 758. Jurors.
- 759. Court Commissioners.
- 760. County Judge.
- 761. Witnesses.
- 762. Judges and Clerks of Election.
- 763. Interpreters and translators.
- 764. No other fees allowable.
- 765. Fees paid when service rendered.
- 766. Table of fees.
- 767. Costs of publication in advance.
- 768. Execution for fees due.
- 769. Folio, how construed.
- 770. Mileage.
- 771. Receipt of fees.
- 772. Oath of office.
- 773. Witness fees.
- 774. Same.
- 775. Same.
- 776. To complete business of office.
- 777. No other compensation.
- 778. Fee book; statement of fees; abstract.
- 779. Penalty for neglect.
- 780. Fee book and statement filed with Secretary of State.
- 781. Sacramento County; statement of fees.
- 782. Exempt.
- 783. Same.
- 784. Same.
- 785. County Clerk of Shasta County; Sheriff.
- 786. County Clerk of Sutter County; Sheriff.

**FEES IN YUBA COUNTY.**

- 787. Fees and salaries in Yuba County.
- 788. Clerk of District Court.
- 789. Clerk of County Court.
- 790. Clerk of Probate Court.
- 791. County Clerk.
- 792. County Clerk in certain cases.
- 793. County Recorder.
- 794. County Auditor.
- 795. County Clerk.
- 796. Sheriff.
- 797. County Surveyor.
- 798. Coroner's fees.
- 799. Public Administrator.
- 800. Interpreters and translators.
- 801. Judges and Clerks of Election.

**SECTION 802. Jurors.**

- 803. Witness fees.
- 804. Justices of the Peace.
- 805. Constables' fees.
- 806. Court Commissioners.
- 807. County Judge.
- 808. District Attorney.
- 809. County Assessor.
- 810. County Superintendent of Public Schools.
- 811. Supervisors of Yuba County.
- 812. County Treasurer.

**MISCELLANEOUS PROVISIONS.**

- 813. Table of fees.
- 814. Costs of publication.
- 815. Execution of fees.
- 816. Services not chargeable.
- 817. Folio, how construed.
- 818. Mileage.
- 819. No fees as witness.
- 820. Receipt for fees.
- 821. Oath of office.
- 822. No other compensation.
- 823. Witness fees.
- 824. Same.
- 825. No other fees.
- 826. Fee book.
- 827. Same.
- 828. Acts repealed.
- 829. Same.
- 830. Same.

**SALARIES—GENERAL PROVISIONS.**

- 831. Salaries to be paid in cash.
- 832. Pay of Supervisors.
- 833. County Assessors; compensation.
- 834. Superintendent of Public Schools.
- 835. District Attorney.
- 836. County Judge.
- 837. Sheriff.
- 838. County Treasurer.
- 839. County Clerk.
- 840. Compensation.
- 841. County Recorder.
- 842. County Assessor and Treasurer.
- 843. Official business.
- 844. Act not to apply.
- 845. Unlawful to receive other official compensation.
- 846. Salaries to be audited monthly.

## FEES AND SALARIES.

### SECTION 847. Salaries paid in fees.

- 848. Fees to be paid into treasury.
- 849. Same.
- 850. When Supervisors to allow pay of officers.
- 851. Fee book to be verified on oath; willful neglect.
- 852. Collection of taxes.
- 853. Act not applicable.
- 854. Repealed.
- 855. Unsatisfied judgment; fees of District Attorney and his successor in office therein.
- 856. Collection of fees.
- 857. Same.
- 858. Same.
- 859. References to special Acts.

### FEES IN CALAVERAS COUNTY.

- 860. Fees and salaries payable in coin.
- 861. Board of Supervisors.
- 862. County Assessor.
- 863. County Superintendent of Public Schools.
- 864. District Attorney.
- 865. County Judge.
- 866. Sheriff, as collector of taxes; fees of Sheriff in civil cases.
- 867. County Clerk; as Clerk of District Court; as Clerk of Probate Court; as County Recorder.
- 868. County Treasurer.
- 869. Fees to be paid into the General Fund.
- 870. Fee book to be kept; statement of fees; fees credited; oath.
- 871. Punishment for non-compliance with this Act.
- 872. Officers to render account for services.
- 873. Supervisors; when to meet; to examine accounts of officers.
- 874. Prohibition.
- 875. Duties of Sheriff as Tax Collector.
- 876. Same.
- 877. Same.
- 878. Oath.
- 879. May appoint deputies.
- 880. Repeal.

### FEES IN EL DORADO COUNTY.

- 881. Fees and salaries in coin.
- 882. Supervisors.
- 883. Assessor.
- 884. Salary of Treasurer; percentage.
- 885. Sheriff.
- 886. County Clerk.

**SECTION 887. District Attorney.**

- 888. County Judge.
- 889. Superintendent of Common Schools.
- 890. Salaries, when ordered paid.
- 891. Business of office to be completed.
- 892. Fees, etc., to be paid to County Treasurer.
- 893. Receiving taxes.
- 894. Fees of office.
- 895. Sheriff.
- 896. Fees of Clerk of District Court.
- 897. District Attorney.
- 898. Same.
- 899. County Surveyor.
- 900. Coroner.
- 901. Public Administrator.
- 902. Court Commissioner.
- 903. Justice of the Peace.
- 904. Constable.
- 905. Jurors.
- 906. Witnesses.
- 907. Interpreters and translators.
- 908. Referee.
- 909. Judges and Clerks of Election.
- 910. Fee book; penalty for neglect.
- 911. Fee book to be presented to Supervisors; affidavit.
- 912. Fees credited.
- 913. Penalty for neglect of duty.
- 914. Table of fees.
- 915. Costs of publication.
- 916. Execution for fees due.
- 917. Receipt for fees.
- 918. Bonds.
- 919. Same.
- 920. Duty of Sheriff.
- 921. County Clerk as ex officio Recorder and Auditor.
- 922. Sheriff as ex officio County Treasurer.
- 923. Coroner as ex officio Public Administrator.
- 924. Repealed.
- 925. To take effect.

**FEES IN NAPA COUNTY.**

- 926. Salary of County Clerk of Napa County.
- 927. Fees to be paid into treasury.
- 928. Treasurer to receipt.
- 929. Payment of salary.

**FEES IN NEVADA COUNTY.**

- 930. Fees and salaries of Nevada County.
- 931. Board of Supervisors.

## FEES AND SALARIES.

## SECTION 932. County Assessor.

933. Sheriff.

934. County Clerk.

935. County Recorder.

936. County Treasurer.

937. District Attorney.

938. County Judge.

939. Tax Collector.

940. Fees collected to be paid monthly into treasury; book to be kept; open to inspection; fees to be credited to General Fund.

941. Auditor to draw warrants for salaries.

942. Repeal.

## FEES IN PLACER COUNTY.

943. Fees of Justices of the Peace in Placer County.

944. Constables' fees.

## FEES IN SAN BERNARDINO COUNTY.

945. Fees in San Bernardino County.

946. Witness fees.

## FEES IN SAN FRANCISCO CITY AND COUNTY.

947. Fees of officers for San Francisco City and County.

948. Clerk of District Court.

949. Clerk of County Court.

950. Clerk of Probate Court; Probate Judge.

951. Justices of the Peace.

952. Percentage allowed prevailing party.

953. No other fees.

954. Penalty.

955. Remittance of fees.

956. Disposition of fees.

957. Payment of salaries; Auditor's Clerk; Treasurer's deputy.

958. In lieu of; repeal.

959. Salary.

960. Same.

961. Fees of jurors.

962. Fees of witnesses.

## FEES IN SAN LUIS OBISPO COUNTY.

963. Fees in San Luis Obispo County.

964. Clerk of District Court.

965. Clerk of County Court.

966. Clerk of Probate Court.

967. County Recorder.

968. County Clerk.

969. Sheriff.

970. County Treasurer.



**SECTION 971. County Assessor.**

- 972. District Attorney.
- 973. Constable.
- 974. Notaries Public.
- 975. Supervisors.
- 976. Jurors.
- 977. Witnesses; repealed.

**FEES IN SIERRA COUNTY.**

- 978. Fees in Sierra County; not to affect Sheriff as Tax Collector.
- 979. Salary of Sheriff; fees.
- 980. County Clerk.
- 981. County Treasurer.
- 982. County Assessor.
- 983. Supervisors.
- 984. County Judge.
- 985. District Attorney.
- 986. Superintendent of Public Schools.
- 987. District Attorney to be Public Administrator.
- 988. To be paid into treasury.
- 989. Fee book; statement of fees; fees credited; oath.
- 990. Salary Fund account.
- 991. Fees paid in, how applied.
- 992. Same.
- 993. Receipts and disbursements.
- 994. Penalty for neglect.
- 995. Salaries to be paid monthly.
- 996. No other compensation.
- 997. Monthly returns of moneys received.
- 998. Repealed.
- 999. Fees and mileage.
- 1000. Same.
- 1001. Jurors' fees.
- 1002. Same.

**FEES IN SISKIYOU COUNTY.**

- 1003. Fees in Siskiyou County; in coin.
- 1004. Naturalization papers.
- 1005. Clerk of District Court.
- 1006. Same; Clerk of County Court; Clerk of Probate Court; County Clerk; County Recorder.
- 1007. Salary of County Clerk.
- 1008. Sheriff.
- 1009. Same.
- 1010. Same.
- 1011. Tax Collector.
- 1012. Clerk of Board of Supervisors.

## SECTION 1013. Compensation for Auditor and Assessor.

- 1014. County Auditor.
- 1015. County Treasurer.
- 1016. County Assessor.
- 1017. Same.
- 1018. District Attorney.
- 1019. Superintendent of Public Schools.
- 1020. Public Administrator.
- 1021. Constables.
- 1022. County Coroner.
- 1023. County Surveyor.
- 1024. Justices of the Peace.
- 1025. Supervisors.
- 1026. Fees of jurors.
- 1027. Court Commissioners.
- 1028. County Judge.
- 1029. Witness fees.
- 1030. Judges and Clerks of Election.
- 1031. Interpreters and translators.
- 1032. Laws reenacted.
- 1033. Repealed.
- 1034. Reference to other Acts.

## FEES—GENERAL PROVISIONS.

*An Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto.*

[Approved March 5, 1870, p. 148.]

[Enacting clause.]

## FEES OF OFFICERS.

Fees and  
salaries  
payable  
in coin.

731. SECTION 1. Fees and salaries are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand, and receive the same to their own use and benefit, in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be payable in gold and silver coin.

Fees of  
Clerk of  
District  
Court.

732. SEC. 2. No fees or other compensation shall be paid for certificate of declaration to become a citizen of the United States and for making a record

thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof, and this section shall apply to all the counties in this State. (Made applicable to the City and County of San Francisco by Act approved April 4th, 1870, p. 680.)

#### FEES OF CLERK OF THE DISTRICT COURT.

733. SEC. 3. At the commencement of each suit Same. the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to time of judgment; and from the defendant, three dollars, to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the Clerk to the party who advanced them, on demand.

734. SEC. 4. In the Counties of Amador, Alpine, Butte, Colusa, Del Norte, Inyo, Klamath, Kern, Lake, Mariposa, Marin, Napa, Mono, Merced, Nevada, Placer, Plumas, Sacramento, Lassen, Sierra, Stanislaus, San Diego, San Mateo, San Joaquin, San Luis Obispo, Shasta, Santa Barbara, Sutter, Tehama, Fresno, Trinity, Yolo, Tuolumne, and Tulare (Los Angeles added by Act approved March 25th, 1870, p. 380), the Clerk of the District Court, the Clerk of the County Court, the Clerk of the Probate Court, the County Clerk, and the County Recorder, shall receive the fees hereinafter specified:

Fees of Clerks of District, County, and Probate Courts, and County Clerk and Recorder of certain counties.

The Clerk of the District Court shall receive, for entering each suit on the Clerk's register of actions,

Same.

and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents.

For issuing every writ or process, under seal, fifty cents, except the writ of habeas corpus.

For issuing each subpoena for one or more witnesses, fifty cents.

For filing each paper, twenty-five cents.

For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every jury on voire dire, fifty cents.

For calling and swearing every jury to try cause, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For making up and filing judgment roll, fifty cents.

For each entry of judgment on judgment docket, twenty-five cents.

For entering satisfaction or credit on judgment docket, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying the same, twenty-five cents.

For copy of any proceeding, record, or paper, per folio, twenty cents.

For every certificate under seal, fifty cents.

For issuing every commission to take testimony, one dollar.

For writing down testimony of witnesses during

rial, for each folio (to be paid by the party requiring Same.  
the same), twenty-five cents.

For issuing every execution, or other final process,  
under seal, fifty cents.

For copy of every decree or order of sale of mort-  
gaged property, for each folio, twenty-five cents.

For receiving and filing every remittitur from  
Supreme Court, and accompanying papers, one dollar.

For taking and approving each undertaking or bond,  
fifty cents.

For taking justification thereto, fifty cents.

For taking testimony on justification to undertaking  
or bond, for each folio, twenty-five cents.

For taking acknowledgment of deed or other instru-  
ment, to include all writing and the seal, for the first  
name thereto, fifty cents; for each additional name,  
twenty-five cents.

For indexing every suit in the general index of the  
Court, as required by law, for each name, twenty  
cents.

For filing and entering papers on transfer of cases  
from other Courts, three dollars.

For transmission of files or transfer of cases to other  
Courts, including certificate of order of transfer, two  
dollars.

For searching records or files of each year, except  
for suitors or their attorneys, fifty cents.

When the Court is sitting as a Court of criminal  
jurisdiction, the Clerk shall receive, for the trial of  
each issue, five dollars; he shall receive no other fees  
in a criminal action or proceeding, except twenty  
cents per folio for copies of papers, and also twenty-  
five cents per folio for writing down testimony of wit-  
nesses on trial, when so ordered by the Court; all  
such criminal business shall be a charge against the  
county.

Same.

## FEES OF CLERK OF COUNTY COURT.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, where the charge is misdemeanor, three dollars; and where the charge is felony, five dollars.

He shall receive no other fees in a criminal case except for copies of papers, per folio, twenty cents; and for taking down testimony during a trial, when ordered by the Court, for each folio, twenty-five cents: all of which criminal business to be a charge upon and paid for by the county.

For all other service, the same fees as are allowed the Clerk of the District Court for like services.

## OF CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents.

For writing and posting each notice required, fifty cents.

For each notice for publication, in addition to the cost of publication, fifty cents.

For recording wills, or other papers required by law to be recorded, for each folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services; *provided*, that if, upon the filing of the appraisement of any estate, it appear that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged.

No fees shall be allowed Probate Judges.

## OF COUNTY CLERK.

For issuing each marriage license, one half to be paid to the County Recorder, two dollars.

For recording official bonds, and other papers required by law to be recorded, for each folio, twenty-five cents; for indexing same, twenty-five cents. Same.

For recording the testimony and commitment, upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty-five cents.

For filing all papers to be kept by him, and not required to be recorded, twenty-five cents.

For indexing same, for each name indexed, twenty-five cents.

For issuing any license required by law, one dollar.

For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

For services under Registry Act, the fees in said Act provided.

In the County of Sacramento, the County Clerk, and Clerk of the District, County, and Probate Courts shall receive such fees as are provided in this section, with the following exceptions, to wit:

For recording or copying any paper or notice, he shall receive but twenty cents per folio.

As Clerk of the Probate Court he shall receive, for writing and posting notices, for each copy, twenty-five cents.

For each notice given by publication, twenty-five cents, in addition to costs of publication; *provided*, that the County Clerk of Butte County shall receive, in lieu of the fees herein provided, as ex officio Clerk of the several Courts of record and Probate Court, and County Clerk, exclusive of services as Clerk of Board of Supervisors, the annual salary of three thousand dollars, payable out of the County Treasury in the same manner as the salaries of other officers; and all

Same.

fees allowed by this Act to the said County Clerk for his services as Clerk of the District, County, and Probate Courts, and County Clerk, shall be collected and paid over into the County Treasury in the manner provided by section two of an Act amendatory of an Act amendatory and supplemental of an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two; and *provided further*, that the salary herein provided shall be in full compensation for all services of deputies and assistants, and all laws allowing compensation for deputies and assistants are hereby repealed, so far as they refer to the County of Butte.

## OF COUNTY RECORDER.

For recording every instrument, paper, or notice, for each folio, twenty cents.

For indexing every instrument, paper, or notice, twenty-five cents for each name indexed.

For copies of any record or paper, per folio, twenty cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, fifty cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents.

For searching records or files in his office for each year, when required, fifty cents.

For abstract of title, for each conveyance or incumbrance certified, fifty cents.

For recording every plot or map, for each course, ten cents.

For figures and letters on plats or maps, per folio,



fifty cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. Same.

For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents.

For recording marriage license and certificate, to be paid by the Clerk, one dollar.

For recording transcript, and for all other services in estray cases, one dollar.

For recording each mark or brand, seventy-five cents.

For administering oath or affirmation, twenty-five cents.

For certifying same, twenty-five cents.

For filing, indexing, and keeping each paper not by law required to be recorded, fifty cents.

For recording mining claims and water rights, the same as are allowed for recording any other instrument.

For all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

In the Counties of Sacramento, San Joaquin, and Humboldt, the County Recorder shall receive the same fees as prescribed for County Recorders in the preceding section of this bill, with the following exception, to wit:

For recording or copying any instrument of writing, paper, record, or notice, twenty cents per folio.

735. SEC. 5. In the Counties of Humboldt and Mendocino the County Clerk and the Clerk of the District, County, and Probate Courts, and the County Recorder, shall receive the fees hereinafter specified. Same as to other counties.

## OF CLERK OF THE DISTRICT COURT.

Same.

For entering each suit on the Clerk's register of actions and making the necessary entries thereon during the progress of the trial, for each folio, fifteen cents.

For issuing every writ or process under seal, forty cents, excepting for issuing the writ of habeas corpus.

For issuing subpoena for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering each motion, rule, order, default, discontinuance, dismissal, or nonsuit, twenty cents.

For entering every cause on calendar, and for making copy therefor for the bar, for each term of Court, twenty cents.

For calling and swearing every jury, twenty cents.

For receiving and entering each verdict of a jury, forty cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, fifteen cents.

For filing judgment roll, twenty cents.

For entering judgment on judgment docket, twenty cents.

For entering satisfaction of judgment, forty cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents.

For copy of any proceeding, record, or paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For searching the records or files of each year in his office (but not to charge suitors or attorneys), twenty-five cents.

For issuing every commission to take testimony, Same.  
forty cents.

For writing down testimony of witnesses during a trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, forty cents.

For issuing every decree or order of sale of mortgaged property, forty cents.

For issuing writ of injunction or attachment, forty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing remittitur from the Supreme Court, and the accompanying papers, forty cents.

For taking each bond or undertaking required by law, forty cents.

For taking justification thereto, thirty cents.

For acknowledgment of deed or other instrument, including all writing necessary and the seal, for the first name thereto, fifty cents; for each subsequent name, twenty-five cents.

When a Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, when the charge is misdemeanor, three dollars.

He shall receive no fee for any service whatever in a criminal action or proceeding, except for copies of papers, and for taking down testimony on trial, when required by the Court, for each folio, fifteen cents.

For the trial of each issue, when the charge is felony, four dollars, which shall be a charge against the county.

#### OF CLERK OF COUNTY COURT.

For filing all papers sent on appeal from Justices' Courts, in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

Same.

For all other services, the same fees as are allowed in the District Court for similar services.

OF CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, forty cents.

For certificate of appointing appraisers, forty cents.

For writing and posting notices when required, for each copy, forty cents.

For recording will, and all other papers required to be recorded, per folio, fifteen cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, forty cents.

OF COUNTY CLERK.

For issuing marriage licenses, one dollar.

For drawing an affidavit, deposition, or other paper, per folio, fifteen cents.

For filing transcript of judgments of Justices' Court, for docketing the same, and issuing execution thereon, two dollars.

For recording certificate of incorporation, where recording is required by law, fifteen cents per folio.

For recording official bonds, when required by law, fifteen cents per folio.

For indexing same, twenty cents.

For recording the testimony and commitment, upon examination, of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents per folio.

For issuing writ of habeas corpus, and all services in relation thereto, two dollars.

## OF RECORDER.

For recording any instrument, paper, or notice, when **Same.** required, for each folio, fifteen cents.

For copies of any record or paper, per folio, fifteen cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice; for every such instrument, paper, or notice, twenty cents.

For any certificate under seal, forty cents.

For every entry of discharge of mortgage or other instrument, on margin of record, forty cents.

For searching records and files of each year in his office, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance and incumbrance certified, fifteen cents.

For recording any town plat, for every course, ten cents.

For figures and lettering plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty cents.

For recording marriage certificates, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty cents.

736. SEC. 6. In the Counties of Contra Costa, Alameda, Monterey, Santa Clara, Sonoma, Santa Cruz,

Same.

Solano, Los Angeles, Fresno, Tulare, and Kern, the County Clerk and Clerk of the District, County, and Probate Courts, and the County Recorder, shall receive the fees hereinafter specified; *provided*, that in the County of Los Angeles he shall receive in full compensation, for all services rendered by him to the State and county, the sum of twelve hundred dollars per annum, payable monthly. (Amended as to Los Angeles County, by making the sum \$1,500, by Act approved March 25th, 1870, p. 381.)

#### OF THE CLERK OF THE DISTRICT COURT.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the trial, fifty cents for the first folio, and for each subsequent folio, twelve cents.

For issuing every writ or process under seal, forty cents, excepting for issuing the writ of habeas corpus.

For issuing each subpoena for one or more witnesses, twenty cents.

For filing each paper, ten cents.

For entering every motion, and order, rule, default, discontinuance, dismissal, or nonsuit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio fifty cents; for each subsequent folio, twelve cents.

For filing judgment roll, twenty-five cents.

For each entry of judgment on judgment docket, twenty cents.

For each entry of satisfaction of judgment, twenty-five cents.

For administering every oath or affirmation, fifteen cents. Same.

For copy of any proceeding, record, or paper, for each folio, twelve cents.

For every certificate under seal, forty cents.

For issuing every commission to take testimony, forty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, under seal, forty cents.

For issuing every copy of decree or order of sale of mortgaged property, for each folio, twelve cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For approval and justification of each bond required by law, forty cents, and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in the District Court, in general index, as required by law, for each name, fifteen cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars.

For transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents.

For searching records of files of each year, except for suitors or their attorneys, twenty-five cents.

For services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed.

Same.

Solano, Los Angeles, Fresno, Tulare, and Kern, the County Clerk and Clerk of the District, County, and Probate Courts, and the County Recorder, shall receive the fees hereinafter specified; *provided*, that in the County of Los Angeles he shall receive in full compensation, for all services rendered by him to the State and county, the sum of twelve hundred dollars per annum, payable monthly. (Amended as to Los Angeles County, by making the sum \$1,500, by Act approved March 25th, 1870, p. 381.)

## OF THE CLERK OF THE DISTRICT COURT.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the trial, fifty cents for the first folio, and for each subsequent folio, twelve cents.

For issuing every writ or process under seal, forty cents, excepting for issuing the writ of habeas corpus.

For issuing each subpoena for one or more witnesses, twenty cents.

For filing each paper, ten cents.

For entering every motion, and order, rule, default, discontinuance, dismissal, or nonsuit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twelve cents.

For filing judgment roll, twenty-five cents.

For each entry of judgment on judgment docket, twenty cents.

For each entry of satisfaction of judgment, twenty-five cents.



For administering every oath or affirmation, fifteen cents. Same.

For copy of any proceeding, record, or paper, for each folio, twelve cents.

For every certificate under seal, forty cents.

For issuing every commission to take testimony, forty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, under seal, forty cents.

For issuing every copy of decree or order of sale of mortgaged property, for each folio, twelve cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For approval and justification of each bond required by law, forty cents, and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in the District Court, in general index, as required by law, for each name, fifteen cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars.

For transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents.

For searching records of files of each year, except for suitors or their attorneys, twenty-five cents.

For services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed.

Same.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive for the trial of each issue, when the charge is felony, three dollars; and for the trial of each issue, when the charge is misdemeanor, two dollars.

He shall receive no other fees in a criminal action or proceeding, except twelve cents per folio for copies of papers, and for taking down testimony, when required.

#### OF COUNTY CLERK.

For issuing marriage licenses, one dollar.

For drawing an affidavit, deposition, or other paper, per folio, fifteen cents.

For filing transcript of judgment of Justices' Court, for docketing the same and issuing execution thereon, two dollars.

For recording certificates of incorporation, where recording is required by law, twelve cents per folio.

For recording official bonds, when required by law, twelve cents per folio; for indexing same, twenty cents.

For recording testimony and commitment, upon examination, of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents per folio.

For all other services, the same fees as allowed to Clerks of District Courts for similar services.

#### CLERK OF THE PROBATE COURT.

For issuing letters testamentary or of administration, forty cents.

For all certificates under seal, twenty-five cents.

For writing and posting notices, for each copy, twenty-five cents.

For recording wills and all other instruments re-

quired by law to be recorded, for each folio, twelve Same.  
cents.

For filing each paper, ten cents.

For copies of all papers, twelve cents per folio.

For issuing each notice for publication, twenty-five  
cents.

For all other services, the same fees as are allowed  
the Clerk of the District Court for like services.

CLERK OF THE COUNTY COURT.

For filing all the papers sent on appeal from a Jus-  
tices' Court in each cause, and making the necessary  
entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed  
in the District Court for similar services.

COUNTY RECORDER.

For recording every instrument, paper, or notice, for  
each folio, twelve cents.

For copies of any record, per folio, twelve cents.

For filing every instrument for record and making  
the necessary entries therein, including certificate of  
record, twenty-five cents.

For indexing every instrument, paper, or notice, as  
required by law, for each name, ten cents.

For every certificate under seal, forty cents.

For every entry of discharge of mortgage or other  
instrument on margin of record, and indexing same,  
fifty cents.

For searching records and files of each year in his  
office, when required, twenty-five cents.

For abstract or certificate of title, when required,  
for each conveyance or incumbrance certified, fifty  
cents.

For recording every town plat or map, for every  
course, six cents; for figures and lettering plats and

maps, per folio, twenty-five cents; for topography, for every creek, river, road, or chain of mountains represented on the map, fifteen cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty-five cents.

For recording marriage license and certificate, one dollar.

For filing and keeping each paper not required to be recorded, twenty cents.

For recording transcript, and all other services in estray cases, one dollar.

For recording brands and marks, fifty cents.

#### OF SUPREME COURT CLERK.

Clerk of  
Supreme  
Court.

737. SEC. 7. He shall collect in all civil cases hereafter appealed to the Supreme Court, when the transcript is filed, to include the issue of remittitur to Court below, twenty dollars.

For dismissing appeal on Clerk's certificate from Court below, when dismissed for want of prosecution, two dollars and fifty cents.

For all proceedings in each case of mandamus, certiorari, and prohibition, returnable before the Supreme Court in bank, ten dollars.

And in addition to the fees above required to be collected, the Clerk of the Supreme Court shall, upon filing the transcript on appeal, or the papers instituting any original proceedings in the Supreme Court, in all civil cases, demand and collect, for the use of the Supreme Court Library Fund, before filing the same, of the party filing said transcript or papers instituting such original proceedings, in the same manner as other costs in said cases are collected, the sum of five dollars; and for every certificate of admission to

**practice** as attorney in the Courts of this State, said **Clerk** shall demand and collect ten dollars for the use of said Supreme Court Library Fund, as provided by an Act entitled an Act to provide a law library for the Supreme Court, approved March thirtieth, one thousand eight hundred and sixty-eight. The fees collected by the Clerk of the Supreme Court shall be for the use of the State Treasury, and shall be paid over to the State Treasurer on the first of every month; *provided*, the fees accrued and to accrue under the fee bill in force prior to the first day of December, one thousand eight hundred and sixty-seven, shall belong to the Clerk.

## OF NOTARY PUBLIC.

**738. SEC. 8.** For drawing and copying every protest for non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft, or check, one dollar. Notary  
Public.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft, or check, fifty cents.

For recording every protest, fifty cents.

For drawing an affidavit, deposition, or other paper, for which provision is not herein made, for each folio, twenty cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, fifty cents, and for each additional signature, twenty-five cents.

For administering and certifying an oath or affirmation, twenty-five cents.

For every certificate, under seal, to include the writing the same, fifty cents.

## OF SHERIFF.

**739. SEC. 9.** In the Counties of Alpine, Alameda,

Sheriff.

Amador, Butte, Colusa, Del Norte, Fresno, Inyo, Klamath, Kern, Lake, Lassen, Mariposa, Mono, Merced, Napa, Nevada, Placer, Plumas, San Diego, San Joaquin, San Luis Obispo, Shasta, Santa Barbara, Sierra, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, Sacramento, and San Mateo, the Sheriff shall receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, two dollars.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars.

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule, or order, one dollar.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars.

For holding each inquest, or trial of right of property, to include all service in the matter, except mileage, three dollars.

For serving a subpoena, for each witness summoned, Same. fifty cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged, to the most distant points to complete such service; for each mile necessarily traveled, in going only, thirty cents; *provided*, in the County of San Diego he shall receive, for each mile necessarily traveled, in going only, fifty cents.

For commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, three per cent; on all sums above that amount, two per cent.

For commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent; and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be

Same.

paid by the grantee before delivery, three dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a Grand Jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars.

For summoning each additional juror, twenty-five cents.

For executing every sentence of death, twenty dollars.

For all civil services arising in Justices' Courts, the same fees as are allowed to Constables for like services.

For every mile necessarily traveled, in going only, in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding; *provided*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, thirty cents; *provided further*, that in the Counties of Amador and Sacramento, for every mile necessarily traveled, in any criminal case, twenty cents.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the prison, and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established



by law from the county seat of his county to the **Same.** asylum, and for every additional insane person taken at the same time, twenty-five cents per mile.

For conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

Each Sheriff shall be allowed a deputy, as Jailer, whose compensation shall be fixed by the Board of Supervisors, and paid out of the County General Fund; *provided*, that in the County of Sacramento the Sheriff shall be paid by the county the sum of twenty-four hundred dollars per annum for his services as Jailer; and, *provided further*, that the Sheriff of the County of Amador shall be paid eight hundred dollars for his services as Jailer; *provided further*, that in the County of San Diego the Sheriff shall receive from the county a salary of three thousand dollars per annum, in lieu of all fees chargeable to the county for criminal business; *provided further*, that in the Counties of Alameda, Amador, Yolo, Napa, Lake, Sacramento, Alpine, Fresno, Lassen, Butte, Kern, Tulare, Colusa, Tehama, Solano, and Trinity, the Sheriff shall be business license collector, and shall receive ten per cent on all moneys so collected, and twenty per cent on foreign miners' licenses; *provided*, that the Sheriff of Nevada County shall be allowed only such deputies as may be authorized by any special statute in relation to said county; and, *provided*, that the Sheriff of Shasta County shall be ex officio Collector of all taxes and licenses, except the road poll tax; and, it is further *provided*, that in the County of Tuolumne the Sheriff shall be ex officio Collector of all taxes and licenses.

740. SEC. 10. The Sheriff of Sacramento County **Same.** shall be ex officio Tax Collector of all taxes and licenses, excepting poll taxes; and the Sheriff of Amador, Plumas, Tuolumne, and Lassen Counties shall be ex officio Tax Collector of all taxes and licenses, except road tax.

Same.

741. SEC. 11. In the Counties of Sonoma, Mendocino, and Marin, the Sheriff shall be entitled to receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and twenty-five cents.

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper, three dollars.

For taking bond or undertaking, in any case in which he is authorized to take the same, forty cents.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, fifteen cents.

For serving every notice, rule, or order, forty cents.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars.

For holding each inquest, or trial of right of property, to include all services in the matter except mileage, three dollars.

For serving a subpoena, for each witness summoned, forty cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or

any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service; for each mile necessarily traveled, in going only, thirty cents.

For commissions for receiving and paying over money on execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court, in per-

Same.

son or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For making every arrest in a criminal proceeding, one dollar and fifty cents.

For summoning a Grand Jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars.

For summoning each additional juror, twenty cents.

For executing every sentence of death, twenty dollars.

For all civil services arising in Justices' Courts, the same fees as are allowed in County and District Courts.

For every mile necessarily traveled in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding; *provided*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, forty cents, in going only.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law, from the county seat of his county to the prison, and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established by law, from the county seat of his county to the asylum, and for every additional insane person taken at the same time, twenty-five cents per mile; *provided*, that in the County of Sonoma the Board of Supervisors shall fix the mileage.

For conveying a prisoner, when under arrest, the necessary expense incurred in the transportation.

Each Sheriff shall be allowed a deputy, as Jailer,

ose compensation shall be fixed by the Board of supervisors, and paid out of the County General fund; *provided*, that in the County of San Joaquin the Sheriff shall be paid the sum of twelve hundred dollars per annum as Jailer; and, *provided*, that, in the counties of Sonoma, Marin, and Mendocino he shall *ex officio* Tax Collector.

742. SEC. 12. In the Counties of Contra Costa, *Same.* Humboldt, Monterey, Santa Clara, Los Angeles, Santa Cruz, and Tulare, the Sheriff shall be entitled to receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which action or proceeding is commenced, for each defendant, one dollar.

For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, fifteen cents.

For serving every notice, rule, or order, fifty cents.

For serving a subpoena, for each witness summoned, twenty-five cents.

For serving an attachment on property, or levying execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and fifty cents; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court

Same.

shall order; *provided*, no more than three dollars per diem shall be allowed to a keeper.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents; also, three dollars per day for each day while such ship, boat, or vessel is in the actual custody of the Sheriff, and such further necessary expenses incurred in serving the process and resulting from such custody as are supported by the oath of the officer making such service and allowed by the Court.

For selling any boat, vessel, or tackle, apparel, or furniture thereof, so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.

For commissions for receiving and paying over money on execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, inclusive of acknowledgment and exclusive of stamps, four dollars, to be paid by the grantee.

For serving a writ of possession or restitution, or

Putting any person entitled into possession of premises Same.  
and removing the occupant, five dollars.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a Grand Jury, six dollars.

For summoning a trial jury, in any case, three dollars; for each additional juror, twenty cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, twenty-five cents; or for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a Court or magistrate, for each mile necessarily traveled, in going only, he shall receive twenty cents per mile; for taking a prisoner from the place of arrest to prison, or before a Court or magistrate, for each mile necessarily traveled, in going only, twenty-five cents per mile; for each additional prisoner taken at the same time, fifteen cents per mile; *provided*, that if any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged; and *provided* also, in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction,

Same.

traveling fees shall be charged only for the most distant; and *provided further*, that only one mileage per day shall be charged for taking a prisoner from prison before a Court or magistrate; *provided*, that in the County of Santa Clara the Sheriff shall be entitled to thirty cents per mile, going only, as traveling fees in civil cases.

For executing every sentence of death, twenty dollars.

For all services in Justices' Courts, the same fees are allowed to Constables.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law, from the county seat of his county to the prison; and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, forty cents per mile, one way, for the distance established by law, from the county seat of his county to the asylum; and for every additional insane person, taken at the same time, twenty cents per mile.

And, *provided*, that in the County of Los Angeles the Sheriff shall receive the sum of twelve hundred (\$1,200) dollars per annum as Jailer; and for all services rendered the people of the State within his county, he shall receive the further sum of fifteen hundred (\$1,500) dollars per annum, to be paid out of the County Treasury; and, *provided further*, that the Sheriff of Los Angeles County shall be ex officio Tax Collector of all taxes and business licenses of said county, and shall receive ten (10) per cent of the gross amount collected for poll tax receipts; fifteen (15) per cent of the amount collected for State poll tax receipts; and twenty (20) per cent on the amount collected from foreign miners' licenses; and for the collection of State and county taxes (except taxes for school purposes), he shall receive, on the first ten thousand dol-



ars (\$10,000) collected, four (4) per cent; on all sums over ten thousand (\$10,000) dollars and under twenty thousand (\$20,000) dollars, two (2) per cent; and on all sums over twenty thousand (\$20,000) dollars, one and one half ( $1\frac{1}{2}$ ) per cent.

## OF TAX COLLECTOR.

743. SEC. 13. The Tax Collector of the several Tax  
counties shall receive ten per cent of the gross amount Collector.  
collected from road poll tax receipts; fifteen per cent  
of the amount collected on State poll tax receipts, and  
twenty per cent upon the amount collected from for-  
ign miners' licenses; and for the collection of State  
and county taxes, except taxes for school purposes, he  
shall receive six per cent on the first ten thousand dol-  
lars collected; four per cent on all over ten thousand  
and under twenty thousand dollars, and two per cent  
on all over twenty thousand dollars; *provided*, that in  
the County of Monterey the Tax Collector shall receive  
for the collection of all State and county taxes, except  
taxes for school purposes, on the first ten thousand  
dollars collected, four per cent; on all over ten thou-  
sand dollars and under twenty thousand dollars, two  
per cent, and on all over twenty thousand dollars, one  
and one half per cent; *provided further*, that in the  
County of Humboldt the Tax Collector shall receive  
for the collection of State and county taxes, four per  
cent on the first ten thousand dollars collected; three  
per cent on all over ten thousand dollars and less than  
twenty thousand dollars, and two per cent on all over  
twenty thousand dollars; *provided further*, the Asses-  
sor of Solano County shall be ex officio State Poll and  
Road Tax Collector; *provided further*, that in the  
County of Shasta the collector of foreign miners'  
licenses shall pay into the County School Fund thirty-  
seven and one half per cent of the fees received by  
him for the collection of said licenses under this sec-

tion. The said Tax Collector, except in the Counties of Alameda, Amador, Yolo, Napa, Lake, Sacramento, Alpine, Fresno, Lassen, Butte, Kern, Tulare, Colusa, Tehama, Solano, and Trinity, shall also receive one dollar for each business license sold, one half of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes. There shall be allowed by the State, to all the counties, ten per centum due on all moneys payable into the State Treasury, derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses; *provided, that* in the County of Monterey no percentage shall be allowed for the collection of road poll taxes; *provided, that* the Assessor of Sutter County shall be ex officio State Poll Tax Collector; *provided, that* in the Counties of Shasta and Trinity the Collector shall receive no percentage on the road poll tax, and said tax shall be collected as prescribed by existing laws; *provided, that* the provisions of this section shall not apply to the Tax Collector of Siskiyou County.

The Sheriff of the County of Tuolumne shall be ex officio Collector of all taxes and licenses, including poll tax and road tax. (Supplemental Act, 1876, p. 525.)

#### CLERK OF THE BOARD OF SUPERVISORS.

Clerk of  
Board of  
Supervi-  
sors.

744. SEC. 14. In the Counties of Butte, Placer, Tehama, Santa Clara, Alameda, San Joaquin, Plumas, Solano, Napa, the Clerk of the Board of Supervisors shall receive a salary of five hundred dollars per annum; and in the Counties of Yolo, Santa Barbara, and Colusa, the sum of four hundred dollars per annum; and in the Counties of Alpine, Amador, Contra Costa, Fresno, Humboldt, Inyo, Kern, Lake, Lassen, Los Angeles, Marin, Mariposa, Mendocino, Mono, Merced, Monterey, San Diego, San Luis Obispo,

San Mateo, Santa Cruz, Shasta, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, he shall receive a salary of two hundred and fifty dollars per annum; and in the County of Sacramento, twelve hundred dollars per annum; and in the Counties of Del Norte and Klamath he shall receive a salary of one hundred and fifty dollars per annum; *provided*, that in the County of Sonoma he shall receive such sum as the Board of Supervisors may allow. In addition to the above salaries, the Clerk of the Board of Supervisors in each of the counties of this State shall be allowed to demand and receive, for issuing each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents; *provided*, that in the County of Placer the Recorder shall be Clerk of the Board of Supervisors.

745. SEC. 15. There shall be allowed by the State to the several counties, in lieu for all allowances for salaries and fees authorized by law to be made by the State to the Assessors and Auditors of the several counties, and for all services, for copying assessment rolls, and extending the totals of taxes thereon, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property, and paid into the State Treasury during any fiscal year:

Compensation of Assessors and Auditors.

FOR AUDITOR'S COMPENSATION.

On the first ten thousand dollars, two per centum.

On all sums over ten thousand dollars and less than twenty thousand dollars, one and one half per centum.

On all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum.

On all sums over fifty thousand dollars, three fourths of one per cent.

## FOR ASSESSOR'S COMPENSATION.

- Same.     On the first ten thousand dollars, four per centum.  
              On all sums over ten thousand dollars and less than twenty thousand dollars, three per centum.  
              On all sums over twenty thousand dollars and less than thirty thousand dollars, two per centum.  
              On all sums over thirty thousand dollars and less than fifty thousand dollars, one and one half per centum.  
              On all sums over fifty thousand dollars, one per centum.

The Controller of State is hereby authorized and required to make the allowance as herein specified, at any settlement of the County Treasurer with the State; and, *provided*, the said Controller shall withhold the allowances for services of Auditor until said Auditor shall have made such reports to said Controller as he is by law required to make.

## COUNTY AUDITOR.

County  
Auditor.

746. SEC. 16. He shall receive, as a full compensation for all services required to be performed by him by law, as County Auditor, the following amounts or percentage on all moneys which shall be paid into the County Treasury during any fiscal year: On the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one half per cent; on all sums over forty thousand dollars and less than sixty thousand dollars, one per cent; and on all sums over sixty thousand dollars, one half of one per cent; *provided*, that he shall not receive any percentage on moneys paid into the County Treasury for school purposes; and, *provided further*, that in the following counties, in lieu of said percentage, the annual compensation of County Auditor shall be as follows: In the County of Santa

Clara, fifteen hundred dollars; in the Counties of *Same.*  
*Solano* and Sonoma, twelve hundred dollars; in the  
 Counties of Contra Costa, Marin, Santa Cruz, and (Los  
*Angeles*), nine hundred dollars; in the County of Sut-  
 ter, seven hundred and fifty dollars; in the Counties  
 of Klamath, Monterey, and Del Norte, four hundred  
 dollars; in the Counties of Humboldt and Butte, six  
 hundred dollars; in the Counties of San Diego and  
 Inyo, five hundred dollars. The compensation of the  
 County Auditor shall be allowed by the Board of Su-  
 pervisors quarterly; and the several County Treasurers  
 are hereby authorized to apply the amounts allowed  
 by the State for the Auditors' compensation to the  
 payment of such allowances. (Amended by striking  
 out Los Angeles and making a special provision there-  
 for by Act approved March 25th, 1870, p. 380.)

## COUNTY TREASURER.

747. SEC. 17. County Treasurers shall receive an *County*  
 annual salary as herein provided: *Treasurer.*

In the Counties of Napa and Alameda, three thou-  
 sand dollars.

In the Counties of Santa Clara and San Joaquin,  
 four thousand dollars.

In the Counties of Marin and Sonoma, twenty-five  
 hundred dollars.

In the County of Amador the Treasurer shall receive  
 a salary of eighteen hundred dollars per annum.

In the Counties of Butte, Colusa, Tehama, Placer,  
 Yolo, and Solano, the sum of two thousand dollars.

In the Counties of Contra Costa and Monterey, the  
 sum of eighteen hundred dollars.

In the Counties of Los Angeles, Mendocino, Fresno,  
 and Tulare, the sum of fifteen hundred dollars per  
 annum.

In the Counties of Shasta, Sutter, San Luis Obispo,

Same.

Humboldt, Santa Cruz, and Santa Barbara, the sum of one thousand dollars.

In the Counties of Kern, Tuolumne, Mariposa, Plumas, San Mateo, Stanislaus, Merced, and Lake, the sum of twelve hundred dollars; *provided*, that the County Treasurer of Mono County shall receive a salary of four hundred dollars.

In the Counties of Alpine, Del Norte, Inyo, Klamath, and Lassen, the sum of six hundred dollars.

In the Counties of San Diego and Trinity, the sum of nine hundred dollars; *provided*, that the amounts above specified shall be in full for the compensation for all services, except mileage; and all commissions received from the State and county, and all other sources, except mileage, shall be paid into the General Fund of the county.

The Treasurer of Sacramento County shall receive the commissions allowed by the State, and one per centum on all moneys paid into the treasury for county purposes; *provided*, he shall not be allowed to charge or retain commissions on all money paid in for hospital or school purposes. In all counties where the Treasurer is ex officio collector of taxes, excepting the County of Sacramento, the percentage allowed by law for collection of taxes on real and personal property, on all taxes collected by such Treasurer, after the completion of the assessment roll, shall be paid into the treasury for county purposes; *provided*, that in the County of Santa Clara the Collector shall not receive any percentage other than from license and poll taxes; and *provided further*, that the Treasurer of Alameda County shall be allowed, for his services as ex officio Tax Collector, the fees allowed in section thirteen; and *provided*, that the Treasurer of Solano County, as ex officio State and County Tax Collector, shall receive, as such Collector, two per cent on all moneys by him collected.

## COUNTY ASSESSOR.

748. SEC. 18. County Assessors shall each receive County  
Assessor.  
an annual salary as herein provided:

In the County of Alameda, three thousand dollars.

In the Counties of Santa Clara, Yolo, San Joaquin, Butte, and Los Angeles, two thousand dollars.

In the County of Sonoma, twenty-seven hundred dollars.

In the Counties of Mariposa, Stanislaus, Merced, Tuolumne, and Solano, eighteen hundred dollars; *provided*, that in the County of Mariposa, the Assessor shall be *ex officio* Collector of business and foreign miners' licenses, and shall receive as compensation twenty per cent of such licenses.

In the Counties of Amador, San Mateo, Monterey, Marin, and Mendocino, fifteen hundred dollars.

In the Counties of Humboldt, Contra Costa, Shasta, Trinity, Plumas, San Luis Obispo, and Santa Barbara, twelve hundred dollars.

In the County of Placer, twenty-five hundred dollars, for all services for himself and all deputies.

In the Counties of Tulare, Kern, Fresno, Sutter, and Santa Cruz, one thousand dollars.

In the Counties of Alpine, Inyo, Klamath, Lassen, and San Diego, six hundred dollars; *provided*, that in Mono County the Assessor shall receive a salary of five hundred dollars.

In the County of Del Norte, five hundred dollars.

In the Counties of Napa, Lake, Colusa, and Tehama, he shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed in making assessments, as the Board of Supervisors shall determine; *provided*, that in the County of Solano, the Assessor shall be *ex officio* State and road poll tax Collector, for which service he shall receive the per cent hereinbefore directed; *provided further*, that the As-

Same.

essor of Butte County shall be Collector of State poll tax and personal property tax, of persons owning real estate in the county, for which service he shall receive the percentage allowed by law.

The Board of Supervisors shall designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day for each day they actually and necessarily attended to the duties of the office; *provided, however*, that no Deputy Assessor shall be paid by said counties for any services rendered between the first Monday in August and the first Monday in the following March; *provided* that in the Counties of Humboldt, Klamath, Del Norte, Sutter, Stanislaus, Tuolumne, Santa Cruz, Monterey, Lake, Sonoma, Marin, Trinity, Shasta, Amador, Alpine, Santa Barbara, San Luis Obispo, Los Angeles, and Butte, no compensation shall be allowed for services of deputies; *provided*, that in the County of Alameda the Board of Supervisors shall not allow, for the expense of deputies, an amount exceeding two thousand dollars.

The County Treasurers of the several counties are hereby authorized and directed to apply the amount allowed by the State for Assessor's compensation.

Assessor  
of Sacramento  
County.

749. SEC. 19. The County Assessor of Sacramento County, and his deputies, shall be paid by the county the salaries allowed them by the provisions of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three; and the Assessor may retain for his own use the percentage allowed by law for collecting poll taxes. The Assessor may appoint deputies, as authorized by said Act, and he may appoint a chief deputy, who shall be the office deputy and draughtsman, who may be employed the entire year, and shall be paid one hundred and fifty dollars



per month. And the Assessor of said county shall (in addition to the duties now required by law) be required to make in each year a map book of said county, by United States townships, on a scale of not less than two inches to the mile; said book to contain, as near as may be ascertained, the exterior lines of each piece of real estate, as assessed, and the owner's name thereon; said book to be delivered to the Tax Collector on the day that the assessment roll is delivered by the Auditor to the Tax Collector.

The Assessor of Sacramento County shall be ex officio Collector of poll taxes.

## DISTRICT ATTORNEYS.

750. SEC. 20. The District Attorney shall receive for his services, to be paid quarterly, a salary, in the County of Sacramento, of two thousand dollars per annum.

District  
Attorneys.

In the Counties of Sonoma, San Joaquin, Santa Clara, and Placer, fifteen hundred dollars per annum; the District Attorney in Amador County shall receive for his services, to be paid quarterly, a salary of twelve hundred dollars.

In the Counties of Butte, Mariposa, Contra Costa, Los Angeles, San Mateo, Shasta, Stanislaus, Merced, and Tuolumne, twelve hundred dollars per annum.

In the Counties of Alameda, Colusa, Tehama, Trinity, Solano, Napa, Monterey, Fresno, Tulare, Kern, Yolo, Mendocino, Sutter, and Marin, they shall receive the sum of one thousand dollars per annum.

In the Counties of Inyo, Plumas, San Luis Obispo, and Santa Barbara, they shall receive the sum of eight hundred dollars per annum.

In the County of Santa Cruz he shall receive the sum of nine hundred dollars per annum.

In the Counties of Alpine and San Diego, six hundred dollars per annum.

Same.

In the Counties of Humboldt, Klamath, Lake, Lassen, Mono, and Del Norte, five hundred dollars per annum.

In addition to the salary herein provided for, the District Attorneys of each of the counties of this State shall be entitled to charge and receive ten (10) per cent on all forfeited bonds and recognizances collected by him; for services rendered by him in the collection of delinquent taxes ten per centum on the amount recovered, to be added thereto if paid before judgment; if not so paid, then fifteen per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county, other than delinquent taxes, bonds, or recognizances, eight (8) per cent on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars.

For every conviction had under the Act to prohibit gaming and the Act to prohibit lotteries, gifts, raffles, gift enterprises, and other schemes, to be collected from the party or parties offending or convicted, fifty (50) dollars.

For each conviction of felony where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars; and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, that in the Counties of San Joaquin, Sonoma, Stanislaus, Merced, Mariposa, Fresno, Tehama, Colusa, Contra Costa, Napa, Lake, Kern, Tulare, Mendocino, Solano, Sacramento, Yolo, Alpine, Amador, Humboldt, Alameda, Marin, San Luis Obispo, Santa Barbara, and Monterey, the fees herein allowed

shall become a county charge, in case of the inability of the defendant to pay the same.

## SUPERINTENDENT OF PUBLIC SCHOOLS.

751. SEC. 21. The Superintendent of Public Schools in each and all of the several counties of this State, shall be allowed for his services twenty dollars per annum for each school district, and all necessary traveling expenses; and he shall be allowed in addition to his salary, for postage and expressage, payable out of the County School Fund, a sum equal to fifty dollars; *provided*, that in the County of Siskiyou he shall receive such compensation as shall be provided by special Act; and, *provided*; that in the counties hereinafter named, he shall receive a salary as follows, in full for all compensation:

Superintendent  
of Public  
Schools.

In the County of Sonoma, sixteen hundred dollars.

In the County of Alameda, two thousand dollars.

In the County of Santa Clara, eighteen hundred dollars; no fees.

In the County of Tulare, five hundred dollars.

In the Counties of Solano, Stanislaus, Merced, and Mariposa, six hundred dollars.

In the County of Humboldt, four hundred dollars.

In the County of Del Norte, one hundred and fifty dollars.

In the Counties of Kern and Marin, five hundred dollars.

In the County of Sutter the Superintendent shall receive twenty dollars per annum for each school district, in full for all services required of him by law, payable out of the County General Fund.

In the counties hereinafter named, the Superintendent of Common Schools shall receive, in full compensation for all services, an annual salary, payable out of the County General Fund, as follows:

Same.

In the County of Contra Costa, seven hundred and fifty dollars.

In the County of Santa Cruz, six hundred dollars.

In the Counties of Monterey and Los Angeles, four hundred dollars.

In the County of Yolo, eight hundred dollars; he shall also be allowed in addition to his salary, for postage and expressage, payable out of the County School Fund, the sum of one dollar per annum for each school district.

In the County of Nevada, the Superintendent shall receive an annual salary of one thousand dollars and his necessary traveling expenses, payable out of the General Fund, in the same manner as other salaried officers are paid.

In the County of Butte, eight hundred dollars, in full for all compensation.

In the County of San Diego, one hundred dollars per annum, in full for all services required of him.

The Superintendent of Common Schools in the Counties of Fresno, Lake, Merced, Stanislaus, San Luis Obispo, Santa Barbara, and Napa, shall receive such compensation as may be allowed by the Board of Supervisors of said counties, to be paid out of the County General Fund.

#### PUBLIC ADMINISTRATORS.

Public Administrator

752. SEC. 22. Public Administrators in the several counties of this State shall hereafter be entitled to receive for their services the same fees as are allowed executors and administrators, by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. (Made applicable to City and County of San Francisco by Act approved April 4th, 1870, p. 680.)

FEEs OF CONSTABLES.

753. SEC. 23. For serving summons in civil cases, Constable. for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars; *provided*, that in the Counties of Amador and Butte, he shall have two dollars and mileage.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

For services performed by the several officers under the Act concerning water craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees as are prescribed in said Act; *provided*, that in the County of Los Angeles the Constables therein shall receive, in full compensation for all services rendered by them in criminal cases, a sum not to exceed three hundred dollars each per annum, in the aggregate; and, *provided*, that in the County of San Joaquin, Constables shall receive the same fees as the Sheriff of said county is allowed for like services.

COUNTY CORONERS.

754. SEC. 24. County Coroners in the several County Coroners. counties of this State shall receive for their services compensation as follows:

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled, in going to the place of inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dol-

lars; which fees shall be all that he shall be entitled to charge.

In the County of Sacramento, for each mile necessarily traveled in holding an inquest, twenty-five cents.

For swearing each witness or juror, twenty-five cents.

For writing down testimony, twenty-five cents per folio.

#### COUNTY SURVEYOR.

County  
Surveyor.

755. SEC. 25. For the first mile actually run with compass and chain, in wood or bush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars.

For each mile run with compass alone, one dollar and fifty cents.

For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents.

For each mile run with compass alone, one dollar.

For each lot laid out and platted in any city or town, one dollar.

For recording a survey, seventy-five cents.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For traveling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar.

For copies and certificates, per folio, fifteen cents.

For erecting a monument at the corner of any survey, when required, fifty cents.

For erecting a monument, when running a line at a Same variation or offset, when required, twenty-five cents.

For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor General, one dollar, to be paid by the party requiring the survey.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

In the Counties of Santa Clara, San Joaquin, Alameda, Tulare, and Kern (Los Angeles added by Act approved March 25th, 1870, p. 380), the fees shall be as follows:

For the first mile run with compass and chain, five dollars.

For each succeeding mile, three dollars.

For each mile run with compass alone, one dollar and fifty cents.

For traverse work with compass and chain, ten dollars per day.

For each lot laid out and platted in any city or town, three dollars.

For recording a survey, one dollar.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), twenty cents for each course.

For ascertaining location of town lots in old survey, and measuring and marking the same, three dollars.

For erecting a monument, when required, at the corner of any survey, one dollar.

For copies, per folio, twenty cents.

For certificates, twenty-five cents.

For traveling fees, going to the place of survey (going only), for each mile, thirty cents.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties.

Same.

In cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

In the County of Sutter, the Surveyor shall be allowed to charge and receive the following fees:

For the first mile actually run with compass and chain, in brush land, four dollars; for each succeeding mile, in brush land, two dollars.

For the first mile actually run with compass and chain, in open land, two dollars and fifty cents.

For each succeeding mile, in open land, one dollar and fifty cents.

For each mile, with compass alone, one dollar and twenty-five cents.

For each lot laid out and platted in any city or town, one dollar.

For recording survey, one dollar.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For traveling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar and fifty cents.

For copies and certificates, per folio, twenty cents.

For erecting a monument, when running a line at a variation or offset, when required, fifty cents.

For copy of plat of any survey, and certificate required by any person, or to be transmitted to the Surveyor General, one dollar and fifty cents, to be paid by the party requiring the same.

Expenses of assistants shall be an additional charge,



to be agreed upon between the parties, or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

JUSTICES OF THE PEACE IN THE SEVERAL COUNTIES OF  
THIS STATE.

756. SEC. 26. Fees of Justices of the Peace in  
the several counties of this State:

Fees of  
Justices of  
the Peace.

For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, fifty cents.

For entering every cause upon his docket, fifty cents.

For issuing subpoena, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment or of arrest, or for the delivery of property, fifty cents.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking deposition, per folio, twenty cents.

For entering satisfaction of a judgment, fifty cents.

For a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, twenty cents.

For issuing commission to take testimony, fifty cents.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For issuing search warrant, fifty cents.

For issuing an execution, fifty cents.

Same.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; *provided*, in the County of Los Angeles the fees in a criminal action shall be collected from the defendant if convicted, but shall in no case become a county charge.

For taking bail after commitment in criminal case one dollar.

For entering cause without process, one dollar.

For entering judgment by confession and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, exception, order or default, twenty-five cents.

For taking an acknowledgment of any instrument for the first name, fifty cents; for each additional name, twenty-five cents.

For all services connected with the posting of exhibits, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace is to receive the same fees as are allowed the Coroner for similar services; *provided*, that in the

County of Los Angeles no Justice of the Peace shall ~~same~~ be entitled to receive, in full compensation for all services rendered by him in criminal cases, a sum exceeding three hundred dollars, in the aggregate, per annum.

For transcript of judgment, per folio, twenty cents; *provided*, that in the Counties of Amador and Sierra, Justices of the Peace may lawfully charge, demand, and receive the fees allowed by an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five; *provided further*, that in the Counties of Alameda, Santa Clara, Santa Cruz, Monterey, Shasta, and Sutter, each Justice of the Peace shall be allowed, in a civil action before him, the following fees, and no others: For all services required to be performed by him, before trial, two dollars, and two dollars additional for each writ of attachment or replevin; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution, three dollars; and twenty-five cents for each hour actually occupied by the trial of each cause; and in cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and papers of appeal, one dollar.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

Same.

For issuing a commission to take testimony, fifty cents.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services. (Amendment approved April 4th, 1870, p. 677; took effect from passage.)

#### SUPERVISORS IN THE SEVERAL COUNTIES OF THIS STATE.

Board of Supervisors.

757. SEC. 27. Each member of the Board of Supervisors shall receive the sum of six dollars per day for each day necessarily employed; and said members shall, in addition thereto, be allowed a mileage of twenty cents per mile, in traveling to and from their residence to the county seat; *provided*, no charge shall be made for more than one trip going from and re-

turning to the residence of such Supervisors, at each <sup>Same.</sup> term held in any county of this State; *provided*, that in the County of San Joaquin, each member of the Board of Supervisors shall receive a salary of eight hundred dollars per annum.

And in the County of Amador, each member of the Board of Supervisors shall receive a salary of six hundred dollars per annum.

And in the County of Contra Costa, each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance at the meetings of the Board, in addition to the mileage, the sum of five dollars per day, but not to exceed in the aggregate, during any one year, three hundred dollars.

And in the County of Santa Cruz, each member of the Board of Supervisors shall receive for his services, for each day's necessary attendance on the business of the county, in addition to the mileage, the sum of four dollars per day, not to exceed in the aggregate, during any one year, four hundred dollars.

In the Counties of Humboldt, Mono, and San Diego, the per diem and mileage for each Supervisor shall not exceed two hundred and fifty dollars per annum.

And in the Counties of Marin, Sonoma, Solano, Lake, Los Angeles, and Napa, each member of the Board of Supervisors shall be entitled to receive, in addition to mileage, the sum of five dollars for each day's necessary attendance at the meetings of the Board; *provided*, the Chairman be entitled to one dollar per day extra.

And in the Counties of Monterey and Santa Clara, the per diem of any member of the Board of Supervisors shall not exceed four hundred dollars per annum; *and, provided*, that in the County of Monterey, no extra per diem shall be allowed the Chairman, and in said County of Monterey the members of the Board

**Same.** shall be allowed twenty-five cents per mile, traveling to and from their residence to the county seat.

And in the County of Butte, the per diem of a member of the Board of Supervisors shall not exceed five hundred dollars per annum.

And in the County of Sutter, each member of the Board of Supervisors shall receive six dollars per day for each day necessarily employed, payable out of the County Treasury in the same manner as other county officers are paid; and in addition thereto, twenty cents per mile for every mile necessarily traveled to and from their place of residence to the county seat; such mileage to be allowed only for every regular meeting established by law.

#### JURORS.

**Jurors.** 758. SEC. 28. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty-five cents per mile for traveling from their residence to the place of trial; *provided*, that in the Counties of Santa Clara and Santa Cruz they shall receive twenty cents per mile for traveling from their residence to the place of trial. No juror who shall be excused from attendance, upon his own motion, on the first day of his appearance in obedience to the venire, shall receive per diem, but mileage only. In civil cases, the party in whose favor verdict is rendered, before the same be entered, shall pay the juror fees; but the same may be recovered as costs from the party losing the case; *provided*, that the Clerks of Courts of record shall keep an account of all money received for trials by each juror during the term; and if the sum so received by such juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County Treasury as other county

dues. If in any trial in a civil case the jury be for *Same.* any cause discharged, without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs if he afterwards obtain judgment; and until they are paid no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, but no mileage, to be taxed against the party losing the suit; *provided*, that in the Counties of Placer, Nevada, Mariposa, Alpine, Amador, Sierra, Humboldt, Klamath, Del Norte, Tuolumne, Mono, Inyo, Fresno, Shasta, and Siskiyou, grand and trial jurors shall receive three dollars per day.

On the first day of each regular meeting of the Board of Supervisors the Clerk of Courts of record shall file with the Clerk of the Board of Supervisors of their respective counties a detailed statement, containing a list of the jurors, and the amount of fees and mileage earned by each juror, and paid out of the County Treasury. No allowances shall be made to any Clerk for any service performed by him until the statement required by this section shall have been filed as aforesaid.

#### COURT COMMISSIONERS.

759. SEC. 29. The Court Commissioners shall be entitled to charge and receive for their services the following fees, viz: Court Commissioners.

For hearing and determining every *ex parte* motion for any order or writ, three dollars.

For hearing and determining such contested motions or issues of law or fact as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars.

For every day spent in the business of the reference in such cases, for examining into the qualifications of

Same.

sureties on bonds or undertakings, when an exception has been taken to their sufficiency, five dollars.

For taking and certifying every affidavit, and for the approval of every bond or undertaking, fifty cents.

For taking and certifying depositions, twenty-five cents per folio.

For every delinquent tax case referred to the Commissioner, for all the services performed by him, three dollars.

*Provided*, that in the Counties of Contra Costa, Monterey, Santa Clara, Santa Cruz, Solano, and Sutter the Court Commissioners shall be entitled to charge and receive for their services the following fees:

For hearing and determining every ex parte motion for any order or writ, three dollars.

For taking proof and reporting his conclusions thereon as to any matter of fact upon which information is required by the Court, three dollars.

For every day necessarily spent in the business of the reference, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, three dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, twenty-five cents.

For taking and certifying depositions, twenty cents per folio.

In delinquent tax cases referred to the Commissioner, for all services performed by him, one dollar and fifty cents; said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner; or if referred by the Court without motion from either party, or if by consent thereby, the plaintiff, and the fees so fixed to be taxed with the costs, against the losing party. Such Court Commissioner shall have the right to demand his fees, as aforesaid, at the time his services are performed,



and may retain any and all papers, in cases when such fees have not been paid, until the same are paid.

COUNTY JUDGES.

760. SEC. 30. County Judges shall each receive <sup>County Judge.</sup> an annual salary, as herein provided:

In the County of Sacramento, three thousand dollars.

In the Counties of Alameda and Mariposa, twenty-five hundred dollars.

In the Counties of Amador, Napa, Placer, Santa Clara, Solano, Sonoma, Los Angeles, and San Joaquin, two thousand dollars.

In the Counties of Butte, Contra Costa, Merced, Stanislaus, Marin, Mendocino, Siskiyou, Yolo, Sutter, Tehama, and Colusa, fifteen hundred dollars.

In the Counties of Humboldt, Mariposa, Monterey, Plumas, Shasta, Fresno, Santa Cruz, Santa Barbara, San Luis Obispo, Tuolumne, and Kern, twelve hundred dollars.

In the Counties of Alpine, Klamath, Lake, Lassen, San Mateo, San Diego, and Trinity, one thousand dollars.

In the Counties of Del Norte, Inyo, and Mono, eight hundred dollars.

WITNESS FEES.

761. SEC. 31. For attending in any civil suit or <sup>Witnesses.</sup> proceeding before any Court of record, referee, commissioner, or Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. In case of impeachment and contested elections, for traveling to the place of trial, ten cents per mile. No person shall be obliged to attend or testify in a civil action, unless his fees shall have been tendered, or he shall have not demanded the same. No fees shall be allowed any witness in a criminal action or proceeding, unless he shall attend before

Same.

a Grand Jury or Court of record, as a witness on behalf of the people, upon a subpoena, or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action, or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial; *provided*, that in the County of Monterey, witnesses shall be allowed, for attending in any civil suit before any Court of record, referee, or commissioner, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents; before Justices of the Peace, two dollars for each day, but no mileage.

## JUDGES AND CLERKS OF ELECTIONS.

Judges and  
Clerks of  
Election.

762. SEC. 32. The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed, and not exceeding five days pay in any one year for each of the Judges, and six days for the Clerks, which shall be full compensation for all services required by law to be performed.

## INTERPRETERS AND TRANSLATORS.

Interpre-  
ters and  
translators.

763. SEC. 38. Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

764. SEC. 34. The officers above named shall receive no other fees, for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this Act, the party demanding or receiving any fees not herein allowed, shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs of suit, and may be indicted, and if found guilty, shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

No other  
fees  
allowable.

765. SEC. 35. The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service, in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the County Judge, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the County Judge may, in his discretion, make an order, that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the County Judge. Monterey County excepted from the provisions of this section.

Fees paid  
when  
service  
rendered.

766. SEC. 36. Every officer herein specified shall prepare and set up in his office a plain table of his fees, as prescribed in this Act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting, for each day, a sum not exceeding

Table  
of fees.

twenty dollars, which may be recovered, with costs, by any person, before any Justice of the Peace of the same county.

Costs of  
publication  
in advance.

767. SEC. 37. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

Execution  
for fees due

768. SEC. 38. If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

Folio, how  
construed.

769. SEC. 39. The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

Mileage.

770. SEC. 40. When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

Receipt  
of fees.

771. SEC. 41. Every officer, upon receiving any fees for official duty or service, may be required, by the person paying the same, to make out, in writing, and deliver to such person, a particular account of such fees, specifying for what they respectively ac-

rued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

772. SEC. 42. No fees shall be charged by any officer for administering and certifying the oath of office. Oath of office.

773. SEC. 43. The Attorney General, or any District Attorney, is authorized to cause subpoenas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance, to either officers or witnesses; and any witness refusing or failing to attend, after being served with a subpoena, may be proceeded against, and shall be liable in the same manner as is provided by law in other cases, where fees have been tendered or paid. Witness fees.

774. SEC. 44. The Clerk of any Court before which any witness shall have attended on behalf of the State, in any civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State Treasury on the Controller's warrant. Same.

775. SEC. 45. The provisions of the two preceding sections of this Act shall extend to all actions and proceedings brought in the name of the Attorney General, or any other person or persons, for the benefit of the State. Same.

776. SEC. 46. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer, at the close of his term, shall leave to his successor official labor to be performed, for which he has received compensation, or which it was his duty to perform, he shall be To complete business of office.

liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

No other  
compen-  
sation.

777. SEC. 47. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are and may be hereafter required of them in the discharge of their respective offices.

Fee book.

778. SEC. 48. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account in detail, of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion. The

Statement  
of fees.

Abstract.

Clerk of the Board of Supervisors of the several counties of this State are hereby required respectively, to make an abstract of the amount of fees returned to him as having been earned, collected, or chargeable by the respective officers named in this Act, and shall forward the same, duly sworn and certified to, to the Secretary of State, in the month of January of every year, to be by him filed in his office.

779. SEC. 49. If any officer named in this Act shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns to the Secretary of State, as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence of removal from office, if in office at the time of sentence; and on failure of any officer herein required to make returns to the office of Secretary of State, he shall, within thirty days thereafter, give information thereof to the District Attorney of the proper county, who shall, without delay, proceed to enforce the provisions of this Act.

Penalty for neglect.

780. SEC. 50. All and every officer of the several counties of this State, all local officers resident and officiating therein, under the State laws, and all State officers within this State, not named in this Act, who are authorized by law to receive any fees for official services of themselves or deputies, shall keep a fee book, in which they shall enter an exact and full account, in detail, of all fees, commissions, or compensation, of whatever nature or kind, by them or their deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the service in each case. Within two weeks after the close of their official term, they shall deposit said book in the office of the Secretary of State. In the first week of January and July of every year, they shall file, in the office of the Secretary of State, a sworn statement, in writing, of the amount of fees earned, collected, or chargeable, by them or their deputies, for official services during the six calendar months ending on the last day of the previous month.

Fee book and statement filed with Secretary of State.

781. SEC. 51. In the County of Sacramento, the County Clerk, Sheriff, County Recorder, and District Attorney, shall, at the end of each month, file with the

Sacramento County.

Statement  
of fees.

County Auditor a sworn statement of the net amount of fees which they are respectively entitled to charge or receive for services rendered by themselves, their deputies, or clerks, after deducting clerk hire and office expenses, and they shall at the same time pay into the County Treasury ten per cent of said net proceeds of fees, which shall by the Treasurer be placed to the credit of the County School Fund. And if any of the above named officers shall fail to make such statement as herein provided, or shall willfully neglect or refuse to pay said percentage into the County Treasury, he shall be deemed guilty of a misdemeanor, and be punished by a fine of not more than one thousand dollars or imprisonment for not longer than one year, and may be removed from office.

Exempt.

782. SEC. 52. The City and County of San Francisco is hereby exempted from all the provisions of this Act, excepting, however, the provisions of sections two and twenty-two of said Act, which are hereby made applicable to said city and county. (Amendment approved April 4th, 1870, p. 680; took effect from passage.)

Same.

783. SEC. 53. The County of Nevada is hereby excepted from all the provisions of sections fourteen, seventeen, eighteen, twenty, twenty-seven, thirty, forty-seven, forty-eight, forty-nine, and fifty.

Same.

784. SEC. 54. The Counties of San Bernardino, Yuba, and El Dorado, are hereby excepted from all the provisions of this Act, except sections two and fifteen.

County  
Clerk of  
Shasta  
County.

785. SEC. 55. The County Clerk of the County of Shasta, to include all services rendered as ex officio Recorder, Auditor, Clerk of Boards of Supervisors, Equalization, and Canvassers, and to include the pay of deputies and clerk hire, shall receive for compen-



ation all fees allowed by this Act to the amount of three thousand dollars per annum; and when the fees, commissions, and percentage allowed by this Act to said County Clerk as ex officio Recorder, Clerk of Board of Supervisors, Equalization, and Canvassers shall exceed the amount of compensation prescribed in this section, the surplus shall be paid to the County Treasurer, to go into the General Fund of Shasta County; and, *provided further*, that the Sheriff in and for said County of Shasta shall be ex officio collector of taxes; he shall receive, to include the pay of deputies and Jailer, in addition to mileage allowed by law and twelve and a half per cent of the foreign miners' license, the fees, commissions, and percentage as provided in this Act and the percentage herein allowed for the collection of taxes, other than foreign miners' license, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies, or assistants, as Sheriff and ex officio Tax Collector; and should the fees, commissions, and percentage, exclusive of mileage and twelve and one half per centum of the foreign miners' license, exceed the amount of three thousand eight hundred dollars, the surplus shall be paid by the said Sheriff to the County Treasurer, and form part of the General Fund of Shasta County.

Sheriff.

786. SEC. 56. All fees that may be collected by the County Clerk of the County of Sutter, for his services as County Clerk, including the fees that he may collect and be entitled to receive, under the provisions of this Act, as ex officio Recorder and Auditor, shall not exceed annually the sum of three thousand dollars, in gold coin; and it is especially *provided*, that all moneys and fees said County Clerk shall receive, under the provisions of this Act, for his duties as County

County  
Clerk of  
Sutter  
County.

Sheriff.

Clerk and ex officio Auditor and Recorder, over and above the said sum of three thousand dollars per annum, in gold coin, shall be paid over, annually, to the Treasurer of said Sutter County for county purposes, and he shall also file monthly with the Treasurer, statement under oath, of all fees, commissions, and percentage received by him, as earned in his office for official services as Clerk, Recorder, and Auditor. And it is *provided further*, that all the fees that may be collected by the Sheriff of the County of Sutter, under the provisions of this Act, either as such Sheriff, or ex officio collector of taxes, exclusive of mileage, shall not exceed annually the sum of three thousand eight hundred dollars, in gold coin, which shall be compensation in full for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector; and, it is especially *provided further*, that the moneys and fees, exclusive of mileage, over and above said thirty-eight hundred dollars per annum, in gold coin, shall be annually paid over to the Treasurer of Sutter County for county purposes, and he shall also file monthly a statement with the County Treasurer under oath, of all fees, commissions, and percentage exclusive of mileage, by him received or earned in his office, for official services as Sheriff and ex officio Tax Collector.

#### FEES IN YUBA COUNTY.

Fees and salaries in Yuba County.

787. SEC. 57. Such fees and salaries are allowed to the officers hereinafter named within the County of Yuba, for their services rendered in discharging the duties imposed on them by law, as are hereinafter provided, and such officers may lawfully charge, demand, and receive the same in gold and silver coin of the United States, to and for their own use and benefit respectively.

## CLERK OF THE DISTRICT COURT.

788. SEC. 58. At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff, including Judge's docket fee, as prescribed by law, not to exceed the sum of fifteen dollars, to cover costs to the time of judgment, and from the defendant five dollars, to cover his costs for the same time. If in the progress of an action the sums above named should prove to be insufficient to cover the costs that may accrue before judgment, the Clerk shall be entitled to demand from each party such further sum or sums as he may deem necessary to cover costs of each party respectively up to the time of and including the entry of judgment. Any excess of fees so advanced by either party, shall, on the determination of the action, be returned by the Clerk to the party who advanced the same:

Clerk of  
District  
Court.

For entering each suit on the Clerk's register of action, and making the necessary entries therein during trial, fifty cents.

For issuing every writ or process under seal, fifty cents.

For issuing each subpoena for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents.

For calling and swearing every jury, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the court, twenty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; and for each subsequent folio, fifteen cents.

Same.

For making up and filing every judgment roll, fifty cents.

For each entry of judgment on judgment docket, twenty-five cents.

For each entry of satisfaction of judgment, twenty-five cents.

For taking every oath or affirmation requiring certificate, and certifying to the same, twenty-five cents. For administering oath, without certificate, twenty cents.

For copy of any proceeding, record, or paper, for each folio, fifteen cents.

For every certificate under seal, except to oath or affirmation above provided for, fifty cents.

For issuing every commission to take testimony, fifty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process under seal, fifty cents.

For issuing every copy of decree or order of sale of mortgaged property, and for every decree or order of sale made by a Court of equity, for each folio, fifteen cents.

For a copy of any map, for each course thereon, ten cents; and for letters and figures thereon, for each one hundred, twenty cents.

For receiving and filing every remittitur from the Supreme Court, and accompanying papers, and making the necessary entries and indorsements required by law upon the receipt and filing of such remittitur, fifty cents.

For approval and justification of each bond required by law, forty cents; and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument,

including all writing and the seal, for each name thereto, fifty cents. Same.

For indexing every suit in the District Court, in the general index, as required by law, fifty cents.

For filing and entering papers on transfer of cases from other Courts, including the indexing of the same, two dollars.

For transmission of files on transfer of cases to other Courts, including the certificate of order of transfer, one dollar and fifty cents.

For searching the records or files of each year, except for suitors or their attorneys, fifty cents.

For issuing a writ of injunction or attachment, fifty cents.

When the District Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive no fees or other compensation for any service whatever in a criminal action or proceeding, other than the salary hereinafter provided for criminal service.

CLERK OF COUNTY COURT.

789. SEC. 59. For filing all the papers sent on appeal from Justices' Court, and making the necessary docket entries in each cause, one dollar and fifty cents. Clerk of County Court.

For all other services, the same fees as are above provided and allowed to the Clerk of the District Court for similar services.

CLERK OF PROBATE COURT.

790. SEC. 60. For issuing letters testamentary or of administration, fifty cents. Clerk of Probate Court.

For all certificates under seal, twenty-five cents.

For writing and posting notices, when required, for each copy, fifty cents.

For recording wills and all other instruments required by law to be recorded, for each folio, fifteen cents.

For filing each paper, fifteen cents.

For certified copies of all papers or proceedings in the Probate Court, for each folio, fifteen cents.

For all other services, the same fees as are above provided and allowed to the Clerk of the District Court for similar services.

For each notice given by publication, in addition to costs of publication, fifty cents.

#### COUNTY CLERK.

County  
Clerk.

791. SEC. 61. For issuing every marriage license, one dollar.

For drawing an affidavit, deposition, or other paper, per folio, fifteen cents.

For filing transcript of judgment of Justices' Court, for docketing the same and issuing execution thereon, if required, two dollars.

For recording certificates of incorporation, where recording is required by law, twenty cents for each folio; and for indexing the same, twenty-five cents.

For recording official bonds, when required by law, fifteen cents per folio; and for indexing the same, twenty cents.

For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents for each folio.

For issuing writs of habeas corpus, when required of him as such Clerk, and all services in relation to the same, until a decision thereon, three dollars.

#### COUNTY CLERK IN CERTAIN CASES.

County  
Clerk in  
certain  
cases.

792. SEC. 62. The Clerk, when acting as the Clerk of the District Court or County Court, in criminal cases, for the people of the State or the county,

and when acting as ex officio Clerk of the Boards of Supervisors, Equalization, and Canvassers of his county, and for all other duties required of him which are chargeable to his county, shall receive a salary therefor of fifteen hundred dollars per annum, in gold and silver coin of the United States, payable quarterly out of the County Treasury.

## COUNTY RECORDER.

793. SEC. 63. The County Clerk, as ex officio County Recorder, shall be allowed, for the duties of such office of Recorder, as follows: County Recorder.

For recording every instrument, paper, or notice of proceeding, required by law to be recorded, for each folio, twenty cents.

For copies of any record or paper, per folio, fifteen cents.

For filing every instrument, paper, or proceeding, for record, and making the necessary entries thereon, twenty-five cents.

For indexing every instrument, paper, notice, or proceeding, as required by law, twenty-five cents.

For every certificate, under seal, fifty cents.

For every entry of discharge or satisfaction of mortgage, or other instrument or lien, on the margin of the record thereof, and indexing the same, twenty-five cents.

For searching the records and files of the office for each year, when required, fifteen cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents.

For recording every town plat, or other plat or map, for every course, ten cents; and for figures and lettering of such plats or maps, fifteen cents per folio; *provided*, the fees for recording any such plat or map shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for each signature, fifty cents.

For filing and entering a minute of certificate of all sales required to be filed, fifty cents.

For recording marriage licenses and certificate, one dollar.

For receiving, filing, and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

For recording transcripts, and all other services in estray cases, one dollar.

For recording brands and marks, fifty cents for each brand and mark.

#### COUNTY AUDITOR.

County  
Auditor.

794. SEC. 64. The County Clerk, as ex officio County Auditor, shall receive as compensation for the duties required of him by law, a salary of one thousand dollars per annum, to be paid quarterly, pro rata, by the State and county, as now by law provided; and in matters of licenses and poll tax, such fees and compensation as are now or may be hereafter provided for by the revenue laws of the State.

County  
Clerk.

795. SEC. 65. The County Clerk, as such, and as ex officio Clerk of the Court of Record, and Clerk of the Boards of Supervisors, Equalization, and Canvassers, and also as ex officio Recorder and Auditor, shall receive the fees and salaries allowed by the foregoing sections two to eight, inclusive; but should such fees, salaries, or other compensation exceed in the aggregate the sum of five thousand five hundred dollars in any one year, then and in such case any excess above that amount shall, at the end of the official year, be paid into the County Treasury to the credit of the General Fund.



## SHERIFF.

796. SEC. 66. For serving a summons and com- Sheriff.  
plaint, or any other process by which an action or  
proceeding is commenced, on each defendant, two  
dollars.

For taking bond or undertaking, in any case in  
which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when  
demanded or required by law, for each folio, twenty  
cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned,  
fifty cents.

For serving an attachment on property, or levying  
an execution, or executing an order of arrest, or order  
for the delivery of personal property, two dollars; but  
no traveling fees shall be allowed on such attachment,  
order of arrest, or order for the delivery of personal  
property, when the same accompanies the summons in  
the suit and may be executed at the time of the service  
of the summons, unless for the distance actually trav-  
eled beyond that required to serve the summons.

He shall be allowed such further compensation for  
his trouble and expense in taking and keeping posses-  
sion of and preserving property, under attachment or  
execution, or other process, as the Court shall order;  
*provided*, no more than three dollars per diem shall be  
allowed to a keeper.

For serving an attachment upon any ship, boat, or  
vessel, in proceeding to enforce any lien thereon created  
by law, two dollars; also three dollars per day for each  
day while such ship, boat, or vessel is in the actual  
custody of the Sheriff, and such further necessary ex-  
penses incurred in serving the process, and resulting  
from such custody as are supported by the oath of the  
officer making such service, and allowed by the Court.

Same.

For selling any boat, vessel, or tackle, apparel, or furniture thereof, so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution.

For advertising property for sale on execution, or under any judgment, or order of sale, exclusive of the costs of publication, two dollars.

For commissions for receiving and paying over money on an execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

The commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and one per cent on all over that sum; the fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money or execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, three dollars, to be paid by the grantee.

For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars.

For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For holding each inquest, or trial of right of property, to include all service in the matter, except mileage, five dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a Grand Jury, eight dollars.

For summoning each trial jury of twelve persons, in Same.  
any case, six dollars; for each additional juror, fifty  
cents.

For traveling, to be computed in all cases from the  
Court House, to serve any summons and complaint,  
or any other process by which action or proceeding  
is commenced, notice, rule, order, subpoena, venire,  
attachment on property, or to levy an execution, or to  
execute an order of arrest, or order for delivery of  
personal property, writ of possession or restitution, to  
hold inquest or trial of right of property, or in bring-  
ing up a prisoner on habeas corpus, or for service of  
any process in criminal cases, or for taking prisoner  
before a magistrate or to prison, for each mile neces-  
sarily traveled, in going only, he shall receive twenty-  
five cents per mile; *provided*, that if any two or more  
persons be required to be served in the same suit, at  
the same time and in the same direction, one mileage  
only shall be charged; and, *provided also*, in serving a  
subpoena or venire, when two or more witnesses or  
jurors live in the same direction, traveling fees shall  
be charged only for the most distant.

For executing every sentence of death, fifty dollars.

For all service in Justice Court, the same fees as are  
allowed to Constables.

For delivering a prisoner at the State Prison, fifty  
cents per mile one way, for the distance established by  
law from the county seat of his county to the prison;  
and for every additional prisoner taken at the same  
time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty  
cents per mile one way, for the distance established by  
law from the county seat of his county to the asylum;  
and for every additional insane person taken at the  
same time, twenty-five cents per mile; and the Sheriff

or his deputy shall be the only person authorized to perform that duty.

The Sheriff shall be collector of foreign miners' licenses, and he shall receive therefor twenty per centum on the total amount collected.

It is hereby provided, that if the fees or other compensation allowed by this section, excepting the percentage of foreign miners' licenses, exceed in the aggregate for any year the sum of seven thousand five hundred dollars, then, and in such case, the excess above such sum shall be paid by the Sheriff into the County Treasury, to the credit of the General Fund.

#### COUNTY SURVEYOR.

County  
Surveyor.

797. SEC. 67. For the first mile actually run with compass and chain, five dollars; for each succeeding mile, four dollars.

For each mile run with compass alone, three dollars.

For each lot laid out and platted, in any city or town, two dollars.

For recording a survey, two dollars.

For calculating the quantity of each made in a tract of land, town lots excepted, one dollar.

For traveling to the place of survey, for each mile, in going only, twenty-five cents; the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys, while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed.

For ascertaining the location of every town lot in

an old survey, and measuring and marking the same, three dollars.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, two dollars.

For copy of a plat of any survey and certificate required by law to be transmitted to the Surveyor General, two dollars, to be paid by party requiring the survey and not otherwise.

Expenses of assistants shall be an additional [charge] of four dollars per day, or as shall be agreed upon between the parties.

CORONER'S FEES.

798. SEC. 67. For summoning a jury of inquest, Coroner's fees. two dollars.

For swearing a jury, forty cents.

For issuing a subpoena for one or more witnesses, twenty-five cents.

For issuing a warrant of arrest, forty cents.

For each mile necessarily traveled in going to the place of the dead body, twenty cents; which fees, in all inquests, shall be paid out of the effects of the deceased, if any; if not, from the County Treasury.

For swearing each witness, twenty-five cents.

For taking down testimony, per folio, twenty cents.

When acting as Sheriff, he shall receive the same fees as that officer for like services.

PUBLIC ADMINISTRATOR.

799. SEC. 68. The fees of the Public Administrator shall be four per cent upon the amount of the estates administered upon by him, which percentage shall be the only compensation allowed for his services. Public Administrator

INTERPRETERS AND TRANSLATORS.

800. SEC. 69. Interpreters and translators shall

Interpre-  
ters and  
translators.

be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

#### JUDGES AND CLERKS OF ELECTION.

Judges and  
Clerks of  
Election.

801. SEC. 70. The Judges and Clerks of Election shall be allowed compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each for the time they are necessarily employed, and not exceeding five days pay in any one year for each of the Judges, and six days for the Clerk, which shall be full compensation for all services required by law to be by them performed.

#### JURORS.

Jurors.

802. SEC. 71. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty cents per mile for traveling from their residence to the place of trial. No juror who shall be summoned and excused from serving shall receive per diem, but mileage only; nor shall mileage be paid to any juror who shall live within two miles of the Court House; nor shall any juror receive per diem who shall be summoned to complete a jury, but who, for any cause, shall be excused. In civil cases the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case; *provided*, that the Clerk of Courts of record shall keep an account of all moneys received for trial by each juror during the term; and if the sum so received by such juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If, in any trial in a civil case, the jury be for any cause dis-

charged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered as costs if he afterwards obtains judgment; and until they are paid, no further proceedings shall be allowed in the action.

Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, but no mileage, to be taxed against the party losing the action.

## WITNESS FEES.

803. SEC. 72. For attending in any civil suit or proceeding before any Court of record, referee, Commissioner, or Justice of the Peace, for each day, two dollars. Witness fees.

For traveling to the place of trial, for each mile, twenty cents.

In cases of impeachment and contested elections, for traveling to the place of trial, ten cents per mile.

No person shall be obliged to attend or testify in a civil action unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding, unless he shall attend before a magistrate, Grand Jury, or Court, as a witness on behalf of the people, upon a subpoena or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order on its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without the county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

## JUSTICES OF THE PEACE.

Justices of  
the Peace.

804. SEC. 73. Each Justice of the Peace shall be allowed, in a civil action before him, for all services required to be performed by him before trial, two dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, five dollars; and in all cases where judgment is rendered by default or confession for all services, including execution and satisfaction of judgment, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail, after commitment by another magistrate, fifty cents.

For certificate, and transmitting transcript and papers on appeal, one dollar and fifty cents.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the County Recorder, five dollars.

For taking an acknowledgment of any instrument for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, where the



where shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

## CONSTABLES' FEES.

805. SEC. 74. For serving summons in civil cases, for each defendant, fifty cents. Constable's fees.

For summoning any jury before a Justice of the Peace, one dollar.

For taking a bond, required by law to be taken, fifty cents.

For summoning each witness, fifteen cents.

For serving an attachment against the property of defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the right of property, and taking the verdict, one dollar and fifty cents.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses were necessarily incurred.

For collecting all sums on execution, two per cent, to be charged against the defendant in the execution.

For serving a warrant or order for the delivery of personal property, or for making an arrest in civil cases, one dollar and fifty cents.

For making an arrest in criminal cases, one dollar and fifty cents.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty

cents; but when two or more persons are summoned or served in the same suit, mileage shall be charged only for the most distant, if they live in the same direction.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

## COURT COMMISSIONERS.

Court Commissioners.

806. SEC. 75. For hearing and determining every ex parte motion, for any order or writ, two dollars.

For taking proof and reporting his conclusion thereon, as to any matter of fact upon which information is required by the Court, two dollars.

For every day necessarily spent in the business of the reference, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, two dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, twenty-five cents.

For taking and certifying depositions, fifteen cents per folio, and said fees to be paid by the party by whom or at whose instance the matter may be brought before such Commissioner; or, if referred by the Court without motion from either party, or if by the consent of the parties, then by plaintiff; the fees so paid to be taxed as costs, if the party paying the same be the prevailing party. In delinquent tax cases referred to the Commissioner, for all services performed by him one dollar.

## SALARY OF THE COUNTY JUDGE.

County Judge.

807. SEC. 76. The County Judge shall receive an annual salary of twenty-four hundred dollars, payable to him monthly out of the County Treasury.

## FEES AND SALARY OF THE DISTRICT ATTORNEY.

808. SEC. 77. The District Attorney shall be District  
Attorney.  
allowed for his services, a salary of one thousand dol-  
lars per annum, payable quarterly out of the County  
treasury, and the following fees:

For each conviction for felony, when the punish-  
ment is death, fifty dollars.

For each conviction for other felony, twenty-five  
dollars.

For each conviction for misdemeanor, fifteen dol-  
lars, which said sum shall be assessed against the  
person convicted, and if the same cannot be collected  
from him, then it shall be considered a county charge,  
and be audited by the Board of Supervisors and paya-  
ble out of the County Treasury.

For all collections on bonds or forfeited recogni-  
tances, ten per centum.

For every conviction under the Act to prohibit  
gaming, and the Act to prohibit lotteries, raffles, gifts,  
gift enterprises, and other schemes, to be collected out  
of the fine or fines imposed upon the party convicted,  
fifty dollars.

For services rendered in the collection of delinquent  
taxes, in each case where the tax does not exceed fif-  
teen dollars, if paid before judgment, a fee of one  
dollar and fifty cents; if paid after judgment, a fee of  
two dollars and twenty-five cents; and in each case  
where the tax exceeds fifteen dollars, ten per centum  
on the sum recovered and collected, if paid before  
judgment, and if not so paid, then fifteen per centum  
to be added to and to constitute a part of the judg-  
ment; *provided*, that in no case shall the State or county  
be liable for such per centum.

For all amounts collected by him for the State or  
county by action, ten per centum on the amount col-

lected; *provided*, that in no event shall the per centum in any one case exceed five hundred dollars; *provided*, should the salary, fees, and other compensation allowed by this section, exceed in the aggregate, for any one year, the sum of three thousand dollars, then, and in such case, any excess above such sum of three thousand dollars shall, at the end of the official year, be paid by the District Attorney into the County Treasury, to the credit of the General Fund.

## COUNTY ASSESSOR.

County  
Assessor.

809. SEC. 78. The County Assessor shall be allowed for his services a salary of three thousand dollars per annum, payable quarterly out of the County Treasury. He shall collect all State and county taxes upon personal property situate outside of the corporate limits of the City of Marysville, assessed to persons having no real estate, or improvements upon real estate, assessed to such persons; also, all State poll taxes from all persons residing within the county and outside said corporate limits of the City of Marysville, and shall be entitled and allowed to receive and retain therefor the following percentage:

For the collection of property taxes, two per cent of the total amount collected; and for poll taxes, fifteen per cent of the total amount collected.

## COUNTY SUPERINTENDENT OF PUBLIC SCHOOLS.

County  
Superin-  
tendent  
of Public  
Schools.

810. SEC. 79. The County Superintendent of Public Schools shall be allowed and receive for his services a salary of one thousand dollars, together with fifty dollars to be used for postage and expressage in the business of his office, to be paid quarterly, out of the County Treasury, and reasonable traveling expenses to be allowed by the Board of Supervisors of said county, while in discharge of his official duties.

## SUPERVISORS OF YUBA COUNTY.

811. SEC. 80. The Supervisors of the County of Yuba shall each be allowed eight dollars per day for each day's actual attendance at the meetings of the Board of Supervisors, and of the Boards of Equalization and Canvassers, and mileage at the rate of twenty cents per mile, in going only, from their residence to the County Court House; *provided*, always, that the Chairman of the Board shall receive no other or greater compensation than as herein provided; and it is hereby declared to be unlawful for said Supervisors, or any of them, to take or receive any constructive or other per diem, though they should sit as a Board of Supervisors, a Board of Equalization, and a Board of Canvassers on the same day.

Supervisors of  
Yuba  
County.

SALARY AND FEES OF THE COUNTY TREASURER, AS SUCH,  
AND AS EX OFFICIO COLLECTOR OF TAXES AND LICENSES  
AND POLL TAXES.

812. SEC. 81. The County Treasurer, as such, shall be allowed and receive a yearly salary of fifteen hundred dollars, payable quarterly, out of the County Treasury, in compensation for the services required of him as County Treasurer; and he shall be allowed and entitled to receive and retain, as ex officio collector of taxes and licenses, the following percentage of fees, viz:

County  
Treasurer.

For the collection of poll taxes from all persons residing within the corporate limits of the City of Marysville, fifteen per centum of the total amount collected.

For every license sold, he shall be entitled to demand and receive as a fee, the sum of one dollar, to be paid by the party procuring the license, one half of which shall go to the Auditor.

For the collection of all other taxes or moneys he

Same.

shall receive two per centum of the total collected and paid over by him.

The said Treasurer, as such, and as such collector of taxes and licenses, shall be have and retain the foregoing salary and and fees in this section named, to and for his own use and benefit, and shall receive no other or gratification for any duties that are or may be of him as such officer and ex officio officer shall collect all other fees, money, and percents by law now are or hereafter may be allowed for other duties of his said offices, and pay the same to the General Fund of the County Treasury and before the payment of his quarterly salary he shall at the same time file with the Court a statement, under oath, of the items and amounts of the same; *provided*, that if the salary, percents and fees allowed by this section to be retained by the Treasurer and ex officio collector of taxes for his own use and benefit, shall exceed in the course of any year, the sum of thirty-five hundred dollars then and in such case, any excess above such sum of thirty-five hundred dollars shall, at the close of each official year, be paid by him into the County Treasury to the credit of the General Fund.

## MISCELLANEOUS PROVISIONS.

Table of fees.

818. SEC. 82. Every officer whose fees are ascertained, shall publish and set up in his office a table of his fees, according to this Act, one month after this Act goes into effect, in some conspicuous place, for inspection of all persons transacting business in his office, upon pain of forfeiting, on each day, a sum not exceeding twenty dollars, which shall be recovered by any person by action before the Justice of the Peace of the same county, with

**814. SEC. 83.** When, by law, any publication is required to be made by an officer of any suit, process, notice, order, or other paper, the costs of such publication shall be first tendered by the party, if demanded, for whom such process or order was granted, before the officer shall be compelled to make publication thereof. Costs of publication

**815. SEC. 84.** If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the Court in which the action is pending. Execution of fees.

**816. SEC. 85.** The Secretary of State, State Treasurer, and Controller, the Attorney General and District Attorneys, shall be authorized to require searches in the respective offices of the officers whose fees are hereby provided for, and in the office of the Clerk of the District Court, of the County Court, of the Probate Court, of the Recorder's Court, for any papers, records, or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom, without the payment of any fee or charge whatever. Services not chargeable

**817. SEC. 86.** The term "folio," when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper should there not be a complete folio, and when there should be an excess over the last folio exceeding a quarter, shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same. Folio, how construed.

Mileage.

818. SEC. 87. When any Sheriff, Constable, or Coroner serves more than one process in the same case, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

No fees as witness.

819. SEC. 88. No counselor or attorney at law in any case shall be allowed any fees for attendance as a witness in any such cause.

Receipt for fees.

820. SEC. 89. Every officer, upon receiving any fees for official duty or services, may be required by the person making the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so, when required, or shall receive illegal fees, he shall be liable to the party paying for three times the amount so paid.

Oath of office.

821. SEC. 90. No fees shall be charged by any officer for administering or certifying the oath of office.

No other compensation.

822. SEC. 91. Officers whose fees and compensation are set forth in this Act shall not be entitled to charge or receive any fees, compensation, or salary not herein enumerated and provided for.

Witness fees.

823. SEC. 92. The Attorney General or any District Attorney is authorized to cause subpoenas to be issued and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance to any officers or witnesses; and any witness failing or neglecting to attend, after being served with a subpoena, may be proceeded against and shall be liable in the same manner as provided by law in other cases when fees have been tendered or paid.

Same.

824. SEC. 93. The Clerk of any Court at which any witness shall have attended on behalf of the State



in a civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State Treasury on the Controller's warrant.

825. SEC. 94. No other fees shall be charged than those specifically set forth herein, nor shall any fees be charged for any other services than those mentioned in this Act. No other fees.

826. SEC. 95. It shall be the duty of each and every one of said officers, hereinbefore mentioned, to keep severally a book, to be called a "Fee Book," in their respective offices, open to the inspection of any one desiring to inspect the same, in which book shall be stated the fees charged, and the services for and the title of the case in which they are charged; and it shall be the duty of the District Attorney to inspect said books at least once in every three months; and the foreman of each and every Grand Jury shall also have the same before him, and shall examine the same. Fee book.

827. SEC. 96. The provisions of sections thirty-six and thirty-seven of this Act shall extend to all actions and proceedings brought in the name of the Attorney General, or any other person or persons, for the benefit of the State. Same.

828. SEC. 97. An Act entitled an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-five, excepting and reserving section seventy-three of that Act, and an Act supplementary hereto, approved April thirtieth, one thousand eight hundred and fifty-five, and an Act entitled an Act to amend an Act to regulate fees in office, approved April thirtieth, one thousand eight hundred and fifty-five, and an Act entitled an Act amendatory of an Act entitled an Act to regulate fees in office, approved April first, one thousand eight hundred and fifty-six, and an Acts repealed.

Same.

Act entitled an Act to amend an Act to regulate fees in office, approved April fifth, one thousand eight hundred and fifty-six, so far as they affect the County of Yuba, and an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven, and an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twentieth, one thousand eight hundred and fifty-seven, approved April twenty-fourth, one thousand eight hundred and fifty-eight, and an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, one thousand eight hundred and sixty, and an Act entitled an Act to amend an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, approved May second, eighteen hundred and sixty-two, and an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six, so far as the same relates to or makes provision for the fees, percentage, compensation, or salary of any officer in and for Yuba County, and an Act entitled an Act to amend an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six, approved March twentieth, eighteen hundred and sixty-eight, and an Act entitled an Act to regulate fees in office, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same applies to or is made applicable to the County of Yuba, and an Act entitled an Act to regulate salaries and fix the compensation

- of certain officers, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same provides for the payment of all, every, or any of the officers of said Yuba County, or fixes, or establishes, or declares what shall be their or any of their fees, percentage, salaries, or other compensations, or makes any provisions touching or concerning the pay, compensation, fees, or salaries of any officers of said Yuba County, contrary to, or different from, or inconsistent with the provisions of this Act, and all other Acts or parts of Acts inconsistent or in conflict with the provisions of this Act, are hereby repealed.

829. SEC. 98. The Act entitled an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight, and the Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, and all Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed; *provided*, that said Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, one thousand eight hundred and sixty-eight, is hereby continued in force in the Counties of Sierra and Siskiyou; *provided*, that section twenty-two of an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eight, eighteen hundred and sixty-eight, so far as the same is applicable to the County of Butte, is hereby repealed; and *provided further*, that nothing herein contained shall be construed to affect or impair the tenure of office of the County Assessor of Placer County, who was elected at the general election held in said county in the year eighteen hundred and sixty-nine. Same.

SEC. 99. This Act shall take effect from and after its passage.

Same.

830.

The above Act covers all the provisions of the Act relating to the same subject, approved March 28th, 1868, p. 436, and is a substitute therefor. The only clauses in the earlier Act which were not reenacted, and which do not conflict with the above Act, being as follows:

SEC. 3. . Fees of Supreme Court Clerk for proceedings in each case, of the writ of habeas corpus, returnable before the Supreme Court in bank, ten dollars.

SEC. 5. Fees of Clerk of District Courts for services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed.

SEC. 9. Fees of County Clerk for drawing an affidavit, deposition, or other paper, per folio, fifteen cents. For recording certificates of incorporation, where recording is required by law, fifteen cents per folio. For issuing writ of habeas corpus, and all services in relation to the same, two dollars.

SEC. 12. Fees of Coroner for swearing a jury, forty cents; for issuing a warrant of arrest, forty cents; and providing that fees in all inquests shall be paid out of the effects of the deceased, if any; if not, from the County Treasury; and, further, that when acting as Sheriff, he shall receive the same fees as that officer for like services.

SEC. 20. Fees of Constables. Provides that for services performed by the several officers under the Act concerning watercraft found adrift, and lost money and property, passed April 5th, 1850, p. 156, they shall receive the fees as prescribed in that Act.

## SALARIES OF CERTAIN COUNTY OFFICERS.

*An Act to regulate salaries and fix the compensation of certain county officers.*

[Approved March 28, 1868, p. 448.]

[Enacting clause.]

Salaries to  
be paid in  
cash.

831. SECTION 1. Such salaries, compensation, and fees shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully demand, charge, and receive the same in gold or silver coin.

832. SEC. 2. Supervisors, for all services required of them by law or by virtue of their office, shall receive five dollars per diem and twenty cents per mile in traveling from the place of their residence to the Court House; but such per diem shall not exceed, in the aggregate, to each Supervisor during any one year, the following sums:

Pay of Supervisors.

In the Counties of Alpine, Amador, Del Norte, Fresno, Humboldt, Inyo, Klamath, Kern, Lake, Lassen, Marin, Merced, Mono, Monterey, San Bernardino, San Diego, San Luis Obispo, Santa Cruz, Santa Barbara, San Mateo, Stanislaus, Tehama, and Tulare, the sum of one hundred and fifty dollars.

In the Counties of Calaveras, Colusa, Mariposa, Shasta, Siskiyou, Sutter, Trinity, and Tuolumne, the sum of two hundred dollars.

In the Counties of Alameda, Butte, Contra Costa, Los Angeles, Mariposa, Mendocino, Napa, Plumas, Solano, and Yolo, the sum of two hundred and fifty dollars.

In El Dorado, Nevada, and Placer, three hundred and fifty dollars.

And in the Counties of Santa Clara, San Joaquin, Sierra, Sonoma, and Yuba, the sum of three hundred dollars.

And in the County of Sacramento, six hundred dollars.

*Provided*, that only one mileage shall be allowed at each term; and, *provided further*, that no Supervisor shall be allowed more than one day's pay for any one day by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; and the per diem during any one year, including committee duty, shall not exceed in the aggregate, to each member of the Board, the amount prescribed in this section.

County  
Assessors.

833. SEC. 3. Assessments shall be made in all the counties by County Assessors; and in counties wherein township and district Assessors now exist, elections for County Assessors shall take place at the general election in the year eighteen hundred and sixty-nine, who shall qualify and give bonds as is now or may hereafter be required by law.

Assessors shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed in making assessments, as the Board of Supervisors shall determine, not to exceed, however, in the aggregate, for services in any one year, the sums following, viz:

In the Counties of Alpine, Inyo, Lake, and Mono, four hundred dollars.

In the Counties of San Bernardino, San Diego, Lassen, Del Norte, and Klamath, six hundred dollars.

In the Counties of Amador, Colusa, Fresno, Humboldt, Kern, Marin, Sutter, Tehama, and Trinity, eight hundred dollars.

In the Counties of Calaveras, Merced, San Luis Obispo, Santa Barbara, San Mateo, Stanislaus, Santa Cruz, and Tulare, one thousand dollars.

In the Counties of Contra Costa, Mariposa, Mendocino, Monterey, Plumas, Shasta, Tuolumne, and Siskiyou, twelve hundred dollars.

In the Counties of Butte, Sierra, El Dorado, and Yolo, fifteen hundred dollars.

In the Counties of Los Angeles, Napa, and Solano, eighteen hundred dollars.

And in the County of Yuba, two thousand dollars.

In the Counties of Alameda, Placer, San Joaquin, and Sonoma, two thousand five hundred dollars.

And in the Counties of Santa Clara, Sacramento, and Nevada, three thousand dollars.

But no compensation shall be allowed until the Assessor shall file with the Board of Supervisors a state-

ment, verified by his oath, of the number of days actually and necessarily spent by him and his deputies in the discharge of their official duties.

834. SEC. 4. Each County Superintendent of Public Schools shall receive such salary, together with reasonable traveling expenses, as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund; *provided*, such compensation shall not be less than a sum equal to twenty dollars for each district school in his county; and he shall be allowed, in addition to his salary, for postage and expressage, payable out of the County School Fund, a sum equal to fifty cents for each school district.

Superintendent  
of Public  
Schools.

835. SEC. 5. The District Attorney shall receive, for all services required of him by law or by virtue of his office, a salary at the rate per annum of five hundred dollars, and the following fees:

District  
Attorney.

For each conviction for felony, when the punishment is death, twenty-five dollars.

For each conviction for other felony, twelve dollars.

For each conviction for misdemeanor, eight dollars; which said sums shall be assessed against the person convicted, and if the same cannot be collected from him, then it shall be considered a county charge, and be audited by the Board of Supervisors.

For all collections on bonds or forfeited recognizances, eight per centum.

For every conviction under the Act to prohibit gaming, and the Act to prohibit lotteries, raffles, gift enterprises, and other schemes, to be collected out of the fine or fines imposed upon the party convicted, fifty dollars.

For services rendered in the collection of delinquent taxes, a compensation equivalent to ten per centum on the amount recovered, to be added thereto if paid before judgment; and if not so paid, then fifteen per

Same.

centum to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county by action, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars. Should the amount of fees, commissions, and percentage received in any one year, added to the salary allowed by law to the District Attorney, exceed the sum of two thousand dollars, then any excess above that sum shall be paid by him into the County Treasury, and constitute a part of the Salary Fund thereof. Before any demand for fees, percentage, or compensation, presented by the District Attorney to the Board of Supervisors for payment out of the Salary Fund or the funds of the county, shall be allowed, he shall make an affidavit that the service for which such fees, percentage, or compensation is claimed, was actually performed, and the amount so demanded justly due; *provided, however*, that in the County of Sacramento the District Attorney shall receive from said fees, commissions, and percentage, a sum which, added to his salary, shall not exceed four thousand five hundred dollars.

County  
Judge.

836. SEC. 6. County Judges shall each receive an annual salary as herein provided:

In the Counties of Alameda, Napa, Nevada, Placer, Sacramento, San Joaquin, Santa Clara, Solano, Sonoma, Siskiyou, and Yuba, two thousand dollars.

In the Counties of Amador, Butte, Contra Costa, El Dorado, Los Angeles, Marin, Mendocino, Santa Cruz, Tulare, and Yolo, fifteen hundred dollars.

In the Counties of Calaveras, Colusa, Humboldt, Mariposa, Monterey, Plumas, Shasta, Sierra, Sutter, Tehama, and Tuolumne, twelve hundred dollars.



In the Counties of Alpine, Del Norte, Fresno, Klamath, Kern, Lake, Lassen, Merced, Santa Barbara, San Luis Obispo, San Mateo, Stanislaus, and Trinity, one thousand dollars.

In the Counties of Inyo and Mono, eight hundred dollars.

In the Counties of San Bernardino and San Diego, five hundred dollars.

837. SEC. 7. In all cases the mileage allowed by Sheriff law to any Sheriff shall belong to and be retained or collected by him for his own use and benefit. And in the Counties of Alpine, Amador, Calaveras, Colusa, Del Norte, Fresno, Humboldt, Inyo, Klamath, Kern, Lake, Lassen, Marin, Mariposa, Merced, Mono, Monterey, Plumas, San Bernardino, San Diego, Santa Barbara, Santa Cruz, San Luis Obispo, San Mateo, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yolo, the Sheriff shall be ex officio collector of taxes. He shall receive, to include the pay of deputies and Jailer, in addition to mileage allowed by law, the fees, commissions, and percentage as provided in the Act to regulate the fees of office, approved March [twenty-eighth], eighteen hundred and sixty-eight, and the percentage herein allowed for the collection of taxes, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector.

And in the Counties of Butte, Contra Costa, El Dorado, Los Angeles, Mendocino, Napa, Nevada, Placer, and Yuba, the Sheriff shall receive the fees, commissions, and percentage as by law provided, to the amount of four thousand dollars, in full for the services of himself and deputies or assistants. •

And in the Counties of Alameda, San Joaquin, So-

Same.

lano, and Sonoma, he shall receive the fees, commissions, and percentage allowed by law, to the amount of forty-two hundred dollars, in full for services of himself and deputies or assistants.

And in the Counties of Santa Clara and Sacramento he shall receive the fees, commissions, and percentage prescribed by law, to the amount of forty-five hundred dollars, which shall be in full for the services of himself and deputies or assistants.

For the collection of taxes, except school moneys, poll taxes, license taxes, and foreign miners' license tax, the Sheriff shall receive the following rates on all moneys collected and paid over by them, in each fiscal year (commencing on the first Monday of March): Six per centum on the first ten thousand dollars; four per centum on all over ten and under twenty thousand dollars, and two per centum on all sums over twenty thousand dollars.

For the collection of poll taxes, he shall receive fifteen per centum of the total amount collected.

For every license sold, he shall be entitled to demand and receive, as a fee, the sum of fifty cents.

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on the total amount collected.

He shall be entitled to receive the fees and percentages in this section named, anything in the ——— section of the Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight, to the contrary notwithstanding; *provided, however*, that if the aggregate of such fees, commissions, and percentage, exclusive of mileage, shall exceed the amounts allowed per annum to the Sheriffs of the several counties of the State, as herein prescribed, the surplus shall be paid into and form part of the Salary Fund of the county.

838. SEC. 8. County Treasurers shall receive salaries as follows: County  
Treasurer.

In the Counties of Alpine, Del Norte, Klamath, Lake, Lassen, Mono, San Bernardino, Inyo, and San Diego, the sum of four hundred dollars each.

In the Counties of Fresno, Kern, Santa Barbara, San Luis Obispo, San Mateo, and Trinity, the sum of six hundred dollars each.

In the Counties of Mariposa, Merced, Plumas, Shasta, Siskiyou, and Stanislaus, the sum of eight hundred dollars each.

In the Counties of Amador, Calaveras, Colusa, Humboldt, Marin, Monterey, Santa Cruz, Sierra, Sutter, Tuolumne, Tulare, Tehama, and Yolo, the sum of one thousand dollars each.

In the Counties of Butte, Contra Costa, El Dorado, Los Angeles, Mendocino, Nevada, Placer, and Yuba, the sum of fifteen hundred dollars each.

In the Counties of Alameda, Napa, San Joaquin, Solano, and Sonoma, the sum of two thousand five hundred dollars each.

In the Counties of Santa Clara and Sacramento, the sum of three thousand dollars each.

The County Treasurers included in subdivisions sixth, seventh, and eighth of this section, shall be ex officio collectors of taxes in their respective counties; but for making such collections, or for making out delinquent tax lists, or performing any other duty required of them by law, they shall receive no other compensation than is prescribed in this section.

839. SEC. 9. In the Counties of Alpine, Amador, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Inyo, Klamath, Kern, Lassen, Lake, Los Angeles, Merced, Mendocino, Marin, Mariposa, Monterey, Mono, Plumas, San Bernardino, San Diego, County  
Clerk.

**Same.** San Luis Obispo, Santa Cruz, Santa Barbara, Shasta, Sierra, San Mateo, Siskiyou, Sutter, Stanislaus, Trinity, Tehama, Tuolumne, Tulare, Yolo, and Yuba, the County Clerk shall be ex officio Recorder, Auditor, and Clerk of the Boards of Supervisors, Equalization, and Canvassers of his county; and in the Counties of Alameda, Butte, Napa, Nevada, Placer, Sacramento, San Francisco, Santa Clara, Solano, and Sonoma, the County Clerk shall be ex officio Clerk of the Boards of Supervisors, Equalization, and Canvassers, and the County Recorder shall be ex officio County Auditor; *provided*, that in the County of Alameda a County Recorder shall be elected at the general election in eighteen hundred and sixty-nine, who shall qualify and give bonds, as is provided by law, and who shall enter on the discharge of his duties on the expiration of the term of office of the County Clerk elected in eighteen hundred and sixty-seven.

**Compensation.**

840. SEC. 10. County Clerks, to include all services rendered ex officio as Recorders, Auditors, Clerks of Boards of Supervisors, Equalization, and Canvassers, and to include the pay of deputies and clerk hire, shall receive, for compensation, as follows:

In the Counties of Alpine, Butte, Del Norte, Inyo, Klamath, Kern, Lassen, Lake, Mono, Plumas, San Bernardino, and San Diego, all fees, commissions, and percentages allowed for official services, to the amount of two thousand dollars.

In the Counties of Calaveras, Fresno, Humboldt, Marin, San Luis Obispo, Santa Cruz, Santa Barbara, Trinity, and Tuolumne, to the amount of twenty-five hundred dollars.

In the Counties of Amador, Colusa, Contra Costa, Merced, Mendocino, Mariposa, Monterey, Shasta, Sierra, Siskiyou, San Mateo, Napa, Placer, Sutter, Stanislaus, Tehama, Tulare, and Yolo, to the amount of three thousand dollars.

In the Counties of Alameda, Los Angeles, Nevada, San Joaquin, Solano, Sonoma, and Yuba, to the amount of thirty-five hundred dollars.

In the Counties of El Dorado, Santa Clara, and Sacramento, to the amount of four thousand dollars.

And when the fees, commissions, and percentages shall exceed the amounts allowed for compensation to such Clerks, the surplus shall be paid into the Salary Fund of the county.

841. SEC. 11. County Recorders, to include services performed as Auditor ex officio, and to pay deputies and clerk hire, shall receive, for compensation, as follows: County Recorder.

In the County of Butte, the fees, commissions, and percentage allowed by law for all official services, to the amount of fifteen hundred dollars.

In the Counties of Napa, Nevada, and Placer, to the amount of twenty-five hundred dollars.

In the Counties of San Joaquin, Solano, and Sonoma, to the amount of three thousand dollars.

In the Counties of Alameda, Sacramento, and Santa Clara, to the amount of four thousand dollars.

And when the fees, commissions, and percentage of any Recorder shall exceed the amount of compensation prescribed in this section, the surplus shall be paid into the Salary Fund of the treasury.

842. SEC. 12. County Assessors and Treasurers, for all taxes collected by them, shall receive the same fees as are allowed by law to Sheriffs, ex officio Collectors; which percentage, and the compensation allowed to the Auditor for making the assessment roll, shall be apportioned pro rata between the State and county. County Assessor and Treasurer.

843. SEC. 13. It shall be the duty of all officers in this Act named to complete the business of their

Official  
business.

respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, for which he has received compensation or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

Act not to  
apply.

844. SEC. 14. This Act shall not be held to reduce the salary or fees of any person now in office, but he shall for the present term receive the compensation now prescribed by law.

Unlawful  
to receive  
other  
official  
compen-  
sation.

845. SEC. 15. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are or may be hereafter required of them in the discharge of their respective offices. No office which is now or may be hereafter created, the duties of which, in whole or in part, shall be devolved on such officers, shall entitle them to receive any extra compensation therefor; *provided*, that all fees received by any of the officers herein named and heretofore applied to their own use, over and above the amount of compensation established by this Act, shall be paid into the County Treasury and constitute the Salary Fund of the county.

Salaries to  
be audited  
monthly.

846. SEC. 16. The County Auditor of each county shall audit monthly the salary of the County Judge, District Attorney, and Treasurer, and draw his warrant in favor of each for his proportionate amount of salary on the Salary Fund; but in case the said Fund shall be exhausted, then on the General Fund.

Salaries  
paid in fees

847. SEC. 17. The Recorder, ex officio Auditor, and the County Clerk as such, and as ex officio Clerk of the Courts of record, and Clerk of the Boards of Supervisors, Equalization, and Canvassers, and also as

ex officio Recorder and Auditor, or when not such Recorder and Auditor, and the Sheriff, shall receive the fees allowed by law; but should such fees, in the aggregate, exceed the amount of the compensation provided by this Act, then, and in such case, any excess above such compensation shall be paid into the County Treasury and be made a part of the Salary Fund; but in no event shall such salary become a county charge, nor shall it be held responsible for or pay the same when the fees received fail to amount to such salary. Same.

848. SEC. 18. The officers named in sections seven, eight, nine, ten, eleven, and twelve of this Act, shall collect and safely keep all fees, commissions, and percentage now allowed by law for services rendered by them in their several official capacities, and upon the first Monday of each month shall pay over the same to the County Treasurer, which shall become a part of the Salary Fund of the county; and any compensation or allowance made by the revenue or other laws of the State out of the State Treasury or funds to the Auditor, Treasurer, or Collector, shall hereafter be retained in or be paid into the County Treasury as a part of the Salary Fund, except the mileage allowed by the State to the County Treasurer, which he shall be entitled to receive and retain for his own use. Fees to be paid into treasury.

849. SEC. 19. Any balance remaining in the Salary Fund at the end of the fiscal year shall be paid into the General Fund. Same.

850. SEC. 20. At any regular meeting of the Board of Supervisors the officers to whom per diem or salaries are due may make out and present to such Board of Supervisors the account of their services, as provided in this Act; and if it shall appear to the satisfaction of said Board that said officers have complied with the provisions of the same, they shall allow and order paid out of the Salary Fund of the When Supervisors to allow pay of officers.

county, or if there be no Salary Fund, then out of the General Fund, the amount severally due such officers.

Fee book to  
be verified  
on oath.

851. SEC. 21. It shall be the duty of every officer in this Act named to exhibit the fee book, which the law requires him to keep, to the Board of Supervisors, at each regular quarterly meeting, or whenever the said Supervisors may require it, for examination and settlement of fees; and such officer shall verify the same by his oath, declaring it to contain a full, exact, and correct account of all fees, commissions, and percentages received by him, or earned in his office for official services; and any officer who shall refuse or willfully neglect to exhibit his fee book, or to verify the same by his oath, shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one thousand dollars, and by sentence of removal from office, if in office at the date of sentence.

Willful  
neglect.

Collection  
of taxes.

852. SEC. 22. Whenever the Treasurer or Sheriff of any county shall be ex officio collector of taxes, it shall be his duty to go himself, or to send a deputy, into every township in his county for one day in each year, to receive the taxes of taxpayers; and he shall give ten days notice of such visit in some newspaper of his county, if there be a newspaper published therein, and also by posting three handbills in each township of said county.

The above section was repealed as to Butte County, Stats. 1870, p. 198.

Act not  
applicable.

853. SEC. 23. The City and County of San Francisco is excepted from the operations of this Act.

Repealed.

854. SEC. 24. All Acts and parts of Acts in conflict with the provisions of this Act are repealed, so far as they affect the provisions of this Act, to take effect from the first Monday of March, eighteen hun-



dred and seventy, when this Act shall go into operation.

The above Act was repealed so far as it conflicts with the Act of 1870, p. 148, but continued in force as to Sierra and Siskiyou Counties, by Act approved March 5th, 1870, p. 148, Sec. 98, and subsequently as to Siskiyou County, repealed by Act approved March 12th, 1870, p. 249, Sec. 31. It was likewise repealed as to Yuba County by the above Act of 1870, p. 148, Sec. 97.

The various provisions of the Political Code which fix the *salaries* of officers (as distinguished from their *fees*), supersede the above Act.

Consult Political Code, Secs. 4328 to 4333, inclusive, "SALARIES AND FEES OF OFFICE."

The various local Acts which have been superseded by the two foregoing Acts will be found referred to under the heads of the several counties.

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*An Act regulating the apportionment of fees of office in civil cases between District Attorneys and their successors in office.*

[Approved March 3, 1866, p. 163.]

[Enacting clause.]

855. SECTION 1. In all tax cases pending and undetermined, or in which the judgment shall remain unsatisfied at the expiration of the term of office of any District Attorney in this State, the fees due or which shall become due in such cases to the District Attorney, shall be distributed between the District Attorney who commenced the action and the District Attorney who shall collect the said fees, as follows:

Unsatisfied judgment fees of District Attorney and his successor in office therein.

First—In all such actions as aforesaid in which the complaint has been filed and summons issued, and no service had, the District Attorney who commenced the action shall receive one third, and the District Attorney who shall collect the judgment or costs therein, shall receive two thirds of all fees collected for the District Attorney in such action.

Second—In actions in which the complaint has been filed and summons served, or publication of summons

Same. made by the District Attorney who commenced the action, the fees which shall become due and be collected in such action shall be divided equally between the District Attorney who commenced the action and the District Attorney who shall collect the same.

Third—In all such actions as aforesaid wherein judgment has been rendered before the expiration of the term of office of the District Attorney who commenced the action, such District Attorney shall be entitled to receive two thirds of all fees which he would have been entitled to if such fees had been collected during his term of office; *provided*, that in all other civil suits the fees shall be apportioned between the several District Attorneys entitled to such fees by the Court in which such action was commenced, as to said Court may seem just and proper.

Collection  
of fees.

856. SEC. 2. It shall be the duty of the District Attorney to conduct and prosecute all tax suits and civil causes pending at the time his term of office commenced which were commenced by his predecessor in office, and to collect the fees due to the said District Attorney who instituted the action or obtained the judgment as provided in this Act, and to pay monthly to the District Attorney whose term of office has expired, or to the County Clerk, for him, the proportion of fees due to such District Attorney, as provided in this Act, in the same kind of money collected.

Same. 857. SEC. 3. Nothing contained in this Act shall be so construed as to give District Attorneys any additional percentage or emoluments not now allowed by law.

Same. 858. SEC. 4. This Act shall not apply to the County of Yuba.

SEC. 5. This Act shall take effect and be in force from and after its passage.

The provisions of the above Act of 1866, p. 163, did not go into effect and were not in force in the Counties of Lake, Napa, Santa Barbara, and San Joaquin, until the first day of January, 1868, by an Act approved March 20th, 1866, p. 325.

REFERENCES TO SPECIAL ACTS.

859.

Salary of Deputy Assessor of Contra Costa County, Stats. 1870, p. 403. References to special Acts.

Of County Physician of Humboldt, Stats. 1870, p. 91.

Of District Attorney of Sacramento County as City Attorney, Stats. 1870, p. 129.

Of Deputy Sheriff of Santa Clara County, Stats. 1870, p. 377.

Of Secretary of Supreme Court, Stats. 1870, p. 350.

Of Deputy State Librarian, Stats. 1870, p. 381.

Of Secretary of Tide Land Commissioners, Stats. 1870, p. 542.

Of members of State Board of Equalization, Stats. 1870, p. 714.

Of Commissioners to revise laws, Stats. 1870, p. 775..

For local Acts, see references under heads of counties.

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FEES OF CALAVERAS COUNTY.

*An Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County.*

[Approved March 4, 1870, p. 133.]

[Enacting clause.]

860. SECTION 1. Such salaries, compensations, and fees shall be allowed to the officers of Calaveras County herein named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully demand, charge, and receive the same in gold and silver coin. Fees and salaries payable in coin.

861. SEC. 2. The Board of Supervisors shall meet at the Court House of the county, quarterly, that is, on the first Monday in the months of March, June, September, and December of each year, for the transaction of all business pertaining to the affairs of the Board of Supervisors

Same.

county, required of them by law, and for the discharge of all duties imposed on them by law, or required of them by virtue of their respective offices as members of the Board of Supervisors; each member shall be entitled to receive a salary of two hundred dollars per annum, which shall be in full compensation for all services required of them by law; *provided*, that each member of the Board of Supervisors shall receive mileage, for going only, from his residence to the county seat, at each regular session of the Board, at the rate of fifty cents per mile; but not more than one mileage shall be allowed to each member at each regular session. At each regular meeting of the Board, they shall remain in session until all the business coming before them at that meeting is finally disposed of, or passed for action to the next regular meeting thereafter.

County  
Assessor.

862. SEC. 3. Assessments of property in the county shall be made by the County Assessor, who shall, for all services rendered by himself and deputies, receive a salary of fifteen hundred dollars per annum, in full compensation for all duties required of him by the general revenue laws of the State, or by any special law now existing or that may hereafter be enacted. The County Assessor shall be elected in and for said county, every two years, at the general election held for the purpose of electing other county officers and members of the Legislature, and who shall hold office for a term of two years from and after the first Monday in March next succeeding his election, and until his successor is elected and qualified. The election of County Assessor for said county, at the general election held in and for said county on the first day of September, eighteen hundred and sixty-nine, is hereby legalized and declared valid; and such Assessor so elected, upon giving bond as required by law, and tak-

ing the oath of office, shall hold office for a term of two years from the first Monday in March, eighteen hundred and seventy; and he shall have full power and authority to do and perform all duties as Assessor, in the manner and form prescribed by the general revenue laws of the State. The salary of the Assessor shall be audited and paid quarterly out of the General Fund of the county; and he shall give bond, in the manner and form prescribed by law for other official bonds, in such sum as may be required by the Board of Supervisors.

863. SEC. 4. The County Superintendent of Public Schools shall receive such salary, together with reasonable traveling expenses, as may be allowed by the Board of Supervisors, which shall be paid quarterly out of the General Fund of the county; *provided*, such compensation shall not be less than a sum equal to twenty dollars for each school district in the county; and he shall be allowed, in addition to his salary, for postage and expressage, payable out of the School Fund, a sum equal to one dollar for each school district.

County  
Superin-  
tendent  
of Public  
Schools.

864. SEC. 5. The District Attorney shall receive, for all services required of him by law or by virtue of his office, a salary at the rate per annum of six hundred dollars, payable quarterly out of the General Fund of the county, and the following fees:

District  
Attorney.

For each conviction for felony, when the punishment is death, fifty dollars.

For each conviction for other felony, thirty dollars.

For each conviction for misdemeanor, twenty dollars.

Which said sums shall be assessed against the person convicted; and if the same cannot be collected from such person so convicted, then it shall be considered a county charge, and be audited by the Board of Supervisors, and paid out of the County General

Same.

Fund; but no fees for conviction for misdemeanor, before any Justice of the Peace of the county, shall be allowed, unless it shall appear to the Board, by certificate from the Justice before whom the case was tried, that the District Attorney was present in Court at the time of trial, and prosecuted the case in behalf of the people to conviction.

For collections on bonds or forfeited recognizances, ten per centum.

For every conviction under the Act to prohibit gaming, and to prohibit lotteries, raffles, gifts, gift enterprises, and other schemes, to be collected out of the fine or fines imposed upon the party convicted, the sum of fifty dollars.

For services rendered in the collection of delinquent taxes, a compensation equivalent to ten per centum on the amount recovered, to be added thereto, if paid before the judgment; and if not so paid, then fifteen per centum, to be added to, and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county, by action, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars.

Should the amount of fees, commissions, and percentage received in any one year, added to the salary allowed by this Act to the District Attorney, exceed the sum of two thousand dollars, then the excess above that sum shall be paid by him into the General Fund of the County Treasury. Before any demand for fees, percentage, or compensation, presented by the District Attorney to the Board of Supervisors, for payment, shall be allowed, he shall make affidavit that the services for which such fees, percentage, or compensation is claimed was actually performed, and the amount so demanded, justly due; and he shall also report to the

Board of Supervisors, under oath, as hereinafter provided, the amount of commissions and percentages received by him, from quarter to quarter, on account of fees, and also the amount received by him on account of the collection of delinquent taxes.

865. SEC. 6. The County Judge shall receive an annual salary of twelve hundred dollars, payable out of the County General Fund quarterly. County Judge.

This section shall not be held to reduce the salary of the present County Judge, but shall take effect at the expiration of the present term.

866. SEC. 7. The Sheriff of the county shall be ex officio collector of taxes, and shall collect, by self or deputies, all and every kind of tax or license in and for the county, required by law to be collected, except road poll taxes; and for the collection of said tax and licenses he shall receive the following rates and percentages, which he shall keep and retain for his own use and benefit: Sheriff, as collector of taxes.

For the collection of all taxes on personal property, collected previous to the first Monday of August in each year, six per centum on the first ten thousand dollars; four per centum on the second ten thousand; and upon all sums over that amount two per cent.

For the collection of poll and hospital tax, fifteen per cent on the amount collected.

For the collection of foreign miners' licenses, twenty per cent.

For the collection of traders' licenses, liquor licenses, theater, peddler, and all kinds and character of licenses required by law to be collected, ten per cent upon the amount collected.

In all civil cases the mileage allowed by this Act to the Sheriff shall be retained by him for his own use and benefit.

The Sheriff, as such, and as ex officio Tax Collector,

Fees of  
Sheriff in  
civil cases.

in addition to the mileage in civil cases and the percentage allowed him for the collection of personal property taxes, poll and hospital taxes, foreign miners' licenses, and all other licenses, shall receive, in full compensation, and for all services of himself and deputies or assistants, a salary of thirty-eight hundred dollars per annum; and he shall be allowed one deputy, as Jailer, who shall be allowed a salary of nine hundred dollars per annum, which said salaries shall be payable quarterly out of the General Fund of the county.

The fees which it shall be lawful for the Sheriff to charge, demand, and receive for the services of himself, deputies, or assistants, rendered in discharging the duties imposed on him by law, shall be as in this section provided, which shall be collected and paid into the General Fund of the county as is in this Act provided, except the mileage in civil cases, and the commissions and percentage for collection of poll and hospital taxes, foreign miners' licenses, and all other licenses.

For serving a summons and complaint, or any other process, by which actions or proceedings commenced, on each defendant, two dollars.

For serving every notice, bill, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

• For serving an attachment on property, or levying an execution, or executing an order for the delivery of property, or order of arrest, in civil cases, three dollars.

For traveling, per mile, in civil cases, to be computed in all cases from the Court House in the county, for each mile necessarily traveled, in going only, fifty cents; *provided*, if any two or more summonses, subpoenas, or other papers, are required to be served in the same suit, at the same time and in the same direc-



tion, mileage shall be charged for the most distant Same. place of service only.

For taking bond or undertaking, in any case in which he is authorized to take the same, two dollars.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, forty cents.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, three dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised, and sold, five per cent on the first five hundred dollars; four per cent on all over five hundred dollars and under one thousand dollars; and two per cent on all sums over one thousand dollars.

For commissions for receiving and paying over money on execution, without levy, or when lands or goods levied upon shall not be sold, two per cent on the first one thousand dollars, and one per cent on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of the execution, and in the same manner as the sum therein directed to be made.

For drawing and executing any Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, and also all United States revenue stamps required, three dollars.

For serving a writ of possession or restitution, putting any person entitled in possession of premises and removing occupant, six dollars.

For services in Justice's Court, the same fees as are allowed for like services in other Courts.

The fees allowed by law for delivering prisoners at the State Prison, or for taking insane persons to the State Insane Asylum, shall be for the use and benefit of the Sheriff, and need not be entered on his fee book, named in section seventeen of this Act.

County  
Clerk;  
as Clerk of  
District  
Court;  
as Clerk of  
Probate  
Court;  
as County  
Recorder.

867. SEC. 8. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Clerk of the District, County, and Probate Courts, and Clerk of the Board of Equalization and Canvassers, to include pay of deputies, shall receive the sum of two thousand five hundred dollars per annum, in full compensation for all services required of him by law, to be paid quarterly out of the General Fund of the county.

The fees which it shall be lawful for the Clerk, as County Clerk, Auditor, ex officio Recorder, Clerk of the District, County, and Probate Courts, to charge and collect for services rendered in discharging the duties imposed on him by law, shall be as provided in this section.

For entering each suit on the Clerk's register of actions, and making the necessary entries thereon during the progress of the trial, for each folio, thirty cents.

For issuing every suit or process under seal, one dollar.

For issuing subpoena for one or more witnesses, fifty cents.

For filing each paper, twenty-five cents.

For entering each motion, rule, order, default, discontinuance, dismissal, or nonsuit, twenty-five cents.

For calling and swearing every jury, one dollar.

For receiving and entering each verdict of a jury, seventy-five cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, forty cents.

For filing judgment roll, fifty cents.

Same.

For entering judgment on judgment docket, fifty cents.

For entering satisfaction of judgment, seventy-five cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty-five cents.

For every certificate, under seal, seventy-five cents.

For searching the files of each year in his office, but not to charge suitors or attorneys, seventy-five cents.

For issuing every commission to take testimony, seventy-five cents.

For taking down testimony of witnesses during trial, for each folio, twenty-five cents.

For issuing every execution or other final process, seventy-five cents.

For issuing every decree or order of sale of mortgaged property, seventy-five cents.

For issuing decree of injunction or attachment, one dollar.

For entering judgment by confession, the same fees as in other cases for entering judgment.

For receiving and filing every remittitur from the Supreme Court, and accompanying papers, seventy-five cents.

For taking each bond required by law, fifty cents; for justification thereto, fifty cents for each surety.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, one dollar.

For indexing every suit in the general index of the Court, as required by law, for each name, twenty cents.

Same.

The fees of the Clerk of the County Court shall be as follows:

For filing all papers sent on appeal from Justices' Court, in each case, three dollars.

For all other services, the same fees as are allowed in the District Court for similar services.

The fees of the Clerk of the Probate Court shall be as follows:

For issuing letters of administration, or testamentary, one dollar.

For certificate of appointment of appraisers or guardians, one dollar.

For writing and posting notices, when required, for each copy, fifty cents.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, for each folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

The fees of the County Recorder shall be as follows:

For recording any instrument, paper, or notice, when required, for each folio, thirty cents.

For copies of any papers or records, per folio, thirty cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate under seal, to copies of records or papers in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his **Same.** office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, one dollar.

For recording town plats, for every course, fifteen cents.

For figuring and lettering plats and maps, seventy-five cents per folio.

For issuing marriage license, two dollars.

For filing marriage license, together with the certificate of the officiating clergyman, priest, or officer performing the marriage ceremony, fifty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

868. SEC. 9. The County Treasurer shall receive a salary of twelve hundred dollars per annum, payable out of the General Fund of the county, quarterly, which shall be in full for all services as Treasurer, and also for making out all delinquent tax bills and collecting all delinquent taxes, or for performing any other duty required of him by law; *provided*, he shall be entitled to retain for his own use and benefit such per centum of the State's portion of all taxes collected in his county and paid over to the State Treasurer, except upon school money, as is now allowed by law.

County  
Treasurer.

869. SEC. 10. The officers named in sections seven and eight of this Act shall collect and safely keep all fees, commissions, and percentage allowed them by the provisions of this Act for services rendered by them in their several official capacities, except for such services as the State or county are chargeable with, and on the second day of each regular quarterly meeting of the Board of Supervisors shall pay the same into the General Fund of the County Treasury.

Fees to be  
paid into  
the General  
Fund.

Fee book  
to be kept.

Statement  
of fees.

Fees  
credited.

870. SEC. 11. The officer named in sections five, seven, and eight of this Act, all assistants and deputies, if so required by the Board of Supervisors, shall, from and after the first Monday in March, A. D. eighteen hundred and seventy, keep a book to be denominated the "Fee Book," which book shall be the property of the county, and which shall be open to public inspection during office hours. In this book shall be entered by such officers, assistants, and deputies, in detail, all fees or compensation, of whatever kind or nature, collected or chargeable, in one column the fees and compensation belonging to the county, and in another column the fees and compensation which, under this Act, may be retained by the officer. On the first Monday in March, eighteen hundred and seventy, and at each regular meeting of the Board of Supervisors thereafter, the officer shall carefully add up the several columns and set down the totals, and the compensation and fees collected or chargeable for the county shall be paid to the County Treasurer, accompanied by a full, accurate, and detailed statement, in duplicate, under oath, of all fees, percentage, and compensation, of whatsoever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt, and one of the statements herein required to be made out in duplicate, shall be filed with the Auditor; and until the payment of such fees or compensation, which, under this Act, shall belong to the county, shall be made to the Treasurer, and said Treasurer's receipt and such officer's detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant, and the Treasurer from paying any warrant in favor of such officer, or any such officer's deputies. It is hereby expressly provided that any officer crediting any fee or percentage for any official service, which, under this Act, is provided to

be paid into the County Treasury, shall do so at his own risk, and said officer shall set down the same in his fee book, and it shall be paid by him into the County Treasury, as herein provided, the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. The duplicate certificate herein provided to be filed with the Treasurer and Auditor, shall be sworn to as follows:

"I, ———, Sheriff (or other officer, as the case may be) of the County of Calaveras, do solemnly swear that the entire fees, compensation, percentage, and payment for official services rendered by me, or any deputy or person connected with my office, for me, has been entered in detail in the fee book of my office, and added up, and that the portion belonging to the county is ———, and that said amount is the full amount received or chargeable since the last payment, and neither myself, nor, to my knowledge, any deputy for me, has rendered any service, except service for the county or State, which is not entered or added up to make the aforesaid sum."

Oath.

All fees or compensation for official services, which, under the provisions of this Act, are required to be paid into the County Treasury, shall be paid into the County General Fund. The county officers named in this Act shall perform all services required of them by law, for county purposes, without fee or compensation other than is provided for, in this Act.

871. SEC. 12. For a willful neglect or a refusal to comply with any of the provisions of this Act, any officer or officers herein named, their assistants, clerks, or deputies, shall, on conviction, be subject to a fine not exceeding five thousand dollars, a forfeiture of their offices, to imprisonment in the State Prison not

Punish-  
ment for  
non-com-  
pliance  
with this  
Act.

less than one nor more than three years, or to any one or more of said penalties, in the discretion of the Court; *provided*, that nothing in this section shall release any one of them from their liability on their official bond required by law, or from any civil responsibility to any and all persons in relation to the business of their said offices, that may be by law applicable to their said several official duties.

Officers  
to render  
account for  
services.

872. SEC. 13. On the second day of each regular quarterly meeting of the Board of Supervisors, the officers named in sections two, three, four, five, six, seven, and eight of this Act shall make out and present to the Board the account for their services and the services of their deputies, as provided in this Act; and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this Act, the Board of Supervisors shall audit, allow, and order paid out of the General Fund of the county, or any other money in the treasury not set apart for any specific purpose, the amount severally due them for salaries during the preceding quarter.

Super-  
visors.

When to  
meet.

To  
examine  
accounts  
of officers.

873. SEC. 14. The first regular quarterly meeting of the Board of Supervisors under the provisions of this Act shall be commenced on the first Monday in March, eighteen hundred and seventy. At each regular quarterly meeting thereafter, on the second day of said meeting, they shall examine the accounts of the officers that may be presented to them under the provisions of this Act; and it shall be their duty to order the Auditor to draw his warrants on the County Treasurer for the respective amounts that may be due the officers, their assistants, clerks, or deputies, as provided for by the provisions of this Act.

874. SEC. 15. The Board of Supervisors are hereby expressly forbidden to allow to any Constable or



other person fees or commissions for the service of Prohibition  
any papers in any criminal case pending before the  
Grand Jury, District, or County Court.

875. SEC. 16. It shall be the duty of the Sheriff, Duties of Sheriff as Tax Collector.  
as ex officio Tax Collector of the county, to collect  
from each person within the county liable to pay the  
same all poll taxes for State and county purposes, all  
foreign miners' licenses, and all other license taxes and  
other dues (except road poll taxes) now authorized by  
law to be collected for State and county purposes.

876. SEC. 17. The Sheriff shall keep a book, in Same.  
which he shall enter:

First—The name of each person or persons from  
whom he shall have collected any tax or license, the  
amount so collected, and for what particular tax or  
license the same was collected.

Second—He shall enter in said book the names of  
all persons within his county engaged in any business,  
the carrying on of which is by law required to be done  
under a license from either State or county, and shall  
correct said list from time to time, as any person or  
persons cease to be engaged in said business, or as any  
person or persons shall engage in any business, trade,  
or occupation, or profession, for which, before engaging  
therein, they should have procured a license. Said  
book shall be the property of the county, and open for  
public inspection, at the office of said Sheriff, on the  
first Monday in each month, from eight o'clock A. M.  
to four o'clock P. M., and shall be by the Sheriff turned  
over to his successor in office.

877. SEC. 18. The Sheriff shall, on the first Mon- Same.  
day in each month, or within three days thereafter,  
on and from and after the first Monday in April, eigh-  
teen hundred and seventy, make a final settlement  
with the County Treasurer and Clerk of the Board of

Same.

Supervisors. He shall first pay over all moneys collected by him, or by any of his deputies, for foreign miners' licenses and poll taxes, and State and county licenses, less his fees for collection, to the County Treasurer, and take from the said Treasurer a duplicate receipt for the same. The said receipt shall show the amount paid to said Treasurer for money collected for the various classes and kinds of licenses and taxes, designating how much has been received for each class and kind, also the total receipts, and that the Sheriff has returned all unsold State and county licenses for the preceding month, and has settled and paid in cash for all not returned. The Sheriff shall forthwith present one of said Treasurer's receipts to the Auditor of the county, and settle with said officer, and if said Auditor shall find, on final settlement with said Sheriff, that he has accounted to the County Treasurer for all State and county licenses received from him, and has paid over all moneys by him collected for the various kinds and classes of licenses and taxes, and that the accounts of said Sheriff are correct, he shall give to said Sheriff a receipt in full; and on the presentation of said Auditor's receipt in full, and final settlement of the preceding month, to the County Treasurer and to the Auditor, they may then, and not before, deliver to said Sheriff so many of the various licenses and tax receipts as may be required by him for the succeeding month.

878. SEC. 19. The Sheriff shall, at each monthly settlement with the County Treasurer and Auditor, and before each of them, take the following oath:

Oath.

"I do solemnly swear that I have, for the month preceding this statement, diligently and faithfully, and to the best of my ability, performed the duties of Tax Collector for Calaveras County; and that I have not, knowingly, nor, to my knowledge, has any of my dep-

uties or assistants, permitted any person or persons to escape from, or avoid, or evade the payment of any foreign miners' license tax or poll tax, or any license for State and county purposes, that I have the authority to enforce the collection of; and that the sum of —, this day paid over by me to the County Treasurer, is the just and true sum received by me for the preceding month, from all licenses and taxes collected by me, less the percentage allowed me by law for collecting the same; and that the foreign miners' license and poll tax receipts, and licenses for State and county purposes, which I now surrender, are all that remain in my hands unsold. So help me God."

879. SEC. 20. The Sheriff may appoint one or more deputies to assist him in the collection of all licenses and taxes which he is authorized by this Act to collect, and for whose official conduct the Sheriff shall be liable on his official bond; but such deputy or deputies shall receive no compensation other than what is allowed in this Act to the Sheriff for the rendering of such service. May  
appoint  
deputies.

880. SEC. 21. All Acts, and parts of Acts, so far as they relate to Calaveras County, in conflict with the provisions of this Act, are hereby repealed. Repeal.

SEC. 22. This Act shall take effect and be in force from and after its passage.

An Act supplementary, relative to the salary of Sheriff's assistant, approved February 27th, 1866, p. 120; and an Act relative to the salary of Superintendent of Public Schools of Calaveras County, approved March 25th, 1868, p. 297, was superseded by the above Act.

## FEES IN EL DORADO COUNTY.

*An Act to regulate fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto.*

[Approved March 5, 1870, p. 198.]

[Enacting clause.]

Fees and  
salaries  
in coin.

881. SECTION 1. Such salaries, compensation, and fees shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand, and receive the same in gold and silver coin.

Supervisors

882. SEC. 2. Supervisors, for all services required of them by law, or by virtue of their office, shall receive five dollars per diem, and twenty cents per mile in traveling from the place of their residence to the Court House; *provided*, that only one mileage shall be allowed at each term; and, *provided further*, that no Supervisor shall be allowed more than one day's pay, for any one day, by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; and the per diem in any one year, including committee duty, shall not exceed in the aggregate the sum of three hundred and fifty dollars to each member of the Board.

Assessor.

883. SEC. 3. Assessments shall be made by a County Assessor, who shall qualify and give bonds, as hereinafter provided, and shall receive in full compensation for services of himself and deputies, the sum of fifteen hundred dollars, payable out of the Salary Fund of the county; *provided*, that the Board of Supervisors shall retain and withhold from the said Assessor the sum of three hundred dollars of said amount, until the Assessor shall file with the Clerk of the Board a state-

ment that he has fully complied with all laws relating Same. to his office, made out all lists, statistical tables, and other papers required to be by him made out, and that the same have been filed with the proper officers; which statement shall be verified by his oath.

The Assessor shall be ex officio collector of foreign miners' licenses, poll tax, road tax, and State and county business licenses.

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on total amount collected.

For the collection of poll taxes and road taxes, fifteen per centum on the total amount collected.

For every business license sold, he shall demand, and be entitled to receive, as a fee, the sum of one dollar; fifty cents of which shall be paid into the County Salary Fund.

The fees and percentage herein allowed shall be retained by the Assessor for his own use and benefit.

884. SEC. 4. The County Treasurer shall receive Salary of Treasurer. a salary of fifteen hundred dollars per annum, payable out of the County Salary Fund, which shall be in full for all services as Treasurer, and also in full for all services in making out delinquent tax lists or performing any other duty required of him by law.

The Treasurer shall be ex officio collector of taxes on real and personal property.

For the collection of such property tax, except Percentage. school moneys, he shall receive ten per centum on all amounts collected and paid over by him in each fiscal year, commencing on the first Monday in March; one tenth part of which said ten per centum he shall receive to his own use, and the remainder thereof he shall pay into the County Salary Fund, to be applied in the manner in this Act provided; *provided*, that in addition to the percentage in this section allowed to

**Same.**

the Treasurer as ex officio Tax Collector, he shall receive from the State, as such Tax Collector, one per centum on the amount of taxes levied and collected for State purposes from real property, and two per centum on all taxes levied and collected for the State from personal property.

The Treasurer, as ex officio Tax Collector, shall have power to appoint a deputy, and it is hereby made the duty of such Tax Collector, either in person or by deputy, to attend the County Assessor of said county, at the time of the assessment of the property therein, and the Tax Collector shall collect all taxes assessed on personal property at the time of the assessment thereof, and for a failure to collect the same he shall be liable on his bond to said county, to the extent of any and all lapses that the county may thereby sustain. (Amendment approved April 4th, 1870, p. 747; took effect from passage.)

**Sheriff.**

885. SEC. 5. The Sheriff shall receive, in full compensation for the services of himself, Under Sheriff, deputies or assistants, the sum of four thousand dollars per annum, payable out of the Salary Fund of the county, and the mileage as hereinafter provided.

**County Clerk.**

886. SEC. 6. The County Clerk, to include all services rendered as County Clerk, and ex officio as Recorder, Auditor, Clerk of the Boards of Supervisors, Equalization, and Canvassers, to include the pay of deputies and clerk hire, shall receive four thousand dollars per annum, payable out of the Salary Fund.

**District Attorney.**

887. SEC. 7. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary at the rate per annum of fifteen hundred dollars, payable out of the Salary Fund; and for services rendered in the collection of delinquent taxes, he shall receive, for his own use and benefit,

eight per centum on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then twelve per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

888. SEC. 8. The County Judge shall receive an annual salary of fifteen hundred dollars, payable out of the County Salary Fund. This section shall not be held to reduce the salary of the present County Judge, but shall take effect at the expiration of the present term.

County  
Judge.

889. SEC. 9. The County Superintendent of Common Schools, for all services required of him by law, to include traveling expenses, postage, and expressage, an annual salary of nine hundred dollars, payable out of the Salary Fund.

Superin-  
tendent of  
Common  
Schools.

890. SEC. 10. At any regular meeting of the Board of Supervisors, the officers to whom per diem, fees, or salaries are due, may make out and present to the Board the account of their services, as provided in this Act; and if it shall appear to the satisfaction of said Board that said officers have complied with the provisions of the same, they shall allow and order paid, out of the Salary Fund, the amount severally due such officers; *provided*, that the salaries of the several officers shall be paid monthly; but if at the end of any month there should not be sufficient money in the Salary Fund to pay all, the Treasurer shall pay to each his pro rata of the whole amount in the Salary Fund, and as the money is received into the Salary Fund the Treasurer shall pay it pro rata to the several officers, until the whole amount due has been paid. When less than the whole amount is paid any officer at the end of any month, the Treasurer shall indorse the amount paid upon the warrant; *provided further*, that before allowing the salary or account of any officer

Salaries,  
when  
ordered  
paid.

who is required to pay fees into the County Treasury, the Board of Supervisors shall require him to comply with section thirty-one of this Act, and until complied with they shall not allow the account.

Business  
of office  
to be  
completed.

891. SEC. 11. It shall be the duty of all officers named in this Act to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer, at the close of his term, shall leave to his successor official labor to perform, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

Fees, etc.,  
to be paid  
to County  
Treasurer.

892. SEC. 12. The Clerk, Clerk as ex officio Recorder and Auditor, Sheriff, Treasurer, Assessor as ex officio collector of business licenses, and the District Attorney, shall collect and safely keep all fees, commission, and percentage now allowed by law for services rendered by them in their several official capacities, and upon the first Monday of each month pay over the same to the County Treasurer, which shall become a part of the Salary Fund; except that the several officers need not pay over those sums which by this Act they are allowed to retain for their own use. And any compensation or allowance made by the revenue or other laws of the State, out of the State Treasury or funds, to the Auditor, Assessor, Treasurer, or Collector, shall hereafter be retained in, or be paid into the County Treasury, and be a part of the County Salary Fund, except only the mileage allowed by the State to the County Treasurer, which he shall be entitled to receive and retain for his own use and benefit.



893. SEC. 13. For the purpose of receiving taxes, Receiving taxes. the Treasurer shall, during the month of November of each year, either in person or by deputy, be and remain two days in each township of the county; due notice of the time shall be given at least ten days preceding.

## FEES OF OFFICE.

894. SEC. 14. The fees and percentage which it Fees of office. shall be lawful for the Sheriff, Clerk, ex officio Recorder and Auditor, and District Attorney to charge, demand, and receive for the services of themselves, deputies, or assistants, rendered in discharging the duties imposed on them by law, shall be as in the following sections provided, which shall be collected and paid into the County Salary Fund.

## FEES OF SHERIFF.

895. SEC. 15. For serving a summons and com- Sheriff. plaint, or any other process by which action or proceeding is commenced, on each defendant, two dollars.

For traveling in making such service, in going only, to be computed in all cases from the Court House of the county, fifty cents per mile; *provided*, that if any two or more writs or papers are required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest (in civil

Same. cases), or order for the delivery of property, two dollars.

For traveling, per mile, to serve either of the papers mentioned in the preceding clause, or serving a subpoena, for each mile traveled, in going only, fifty cents per mile; *provided*, that if served with the summons in the suit, no mileage shall be charged, if served in the same direction, unless for distance actually traveled beyond that required to serve the summons; *provided*, also, that when two or more persons are subpoenaed in the same suit at the same time, mileage shall be charged for the most distant only, if living in the same direction.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, two dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised, and sold, four per cent on the first five hundred dollars; three per cent on all over five hundred dollars and under one thousand dollars; two per cent on all over one thousand dollars and under fifteen hundred dollars; one per cent on all over fifteen hundred dollars.

For commission for receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of the execution, and in the same manner as the sum therein directed to be made.

For drawing and executing any Sheriff's deed, to be paid for by the grantee, who shall in addition pay

for the acknowledgment thereof, and also all United States revenue stamps, three dollars. Same.

For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars.

For holding each inquest, or trial of the right of property, to include all services in the matter, except mileage, five dollars.

For travel in the service of any process not hereinbefore mentioned (in civil cases), for each mile necessarily traveled, in going only, fifty cents per mile; *provided*, no other paper or writ in the same suit is served at the same time.

For services in Justices' Courts, the same fees as are allowed Constables for like services.

For service of any process in criminal cases, for each mile necessarily traveled, twenty cents.

For taking a prisoner before a magistrate or to prison, or service of any process in criminal cases, he shall receive mileage for the most distant only, where witnesses or parties upon which services are made live in the same direction; which mileage, as well as that allowed for services in civil cases, and also the fees allowed by law for delivering prisoners at the State Prison, and for taking insane persons to the State Insane Asylum, shall be for the use and benefit of the Sheriff, and need not be entered on his fee book, named in section thirty of this Act.

#### CLERK OF COUNTY.

896. SEC. 16. The Clerk of the District Court shall receive for all services performed by him in any action or proceeding in which an attachment, injunction, or other provisional remedy is sought before trial, including judgment by default, and the entering of the same, the sum of twelve dollars, to be paid by

**Fees of  
Clerk of  
District  
Court.**

Same.

the plaintiff at the time of filing the complaint, and the further sum of five dollars, to be paid by the defendant at the time the answer, demurrer, or other appearance in writing, is filed.

For all services in any other action or proceeding, before trial, including judgment by default, and the entering up of the same, the sum of ten dollars, to be paid by the plaintiff at the time of filing the complaint, and the further sum of four dollars, to be paid by the defendant at the time the answer, demurrer, or other paper is filed.

For all services performed by him during the trial of any action or proceeding, up to and including the entry of the final judgment, the sum of six dollars, to be paid by the party moving the cause, at the time the same is entered upon the trial calendar; *provided*, for taking testimony during the trial, he shall receive thirty cents for each folio, for his own use and benefit, to be paid by the party demanding the service; and to secure the payment of the same, the said Clerk may lawfully require a deposit of a sufficient sum of money in advance.

For all services subsequent to the entry of final judgment, up to and including the entry of satisfaction thereof, the sum of five dollars, to be paid by the party in whose favor the judgment has been entered, at the time execution or other final process is demanded; *provided*, when an appeal is taken he shall be allowed, in addition, thirty cents for each folio contained in the transcript, to be paid by the party demanding the same.

For all services performed by him in any case of judgment by confession, without action, up to and including the making and filing of the judgment roll, the sum of twelve dollars; and for all subsequent services, the same as in other cases.

When any cause has been appealed to the Supreme

Court and a new trial ordered, or when a new trial has Same. been granted in the District Court, the said Clerk shall be allowed, upon the second trial, the same fees as above provided for the first trial; *provided*, that the County Clerk of said county, as ex officio Clerk of the District Court, for all services required of him under and by virtue of the revenue or other laws of this State, and in any and all suits for the collection of delinquent taxes, including the filing of complaints and entry of satisfaction of judgment, in each case shall charge and collect the following fees, to wit: In each case wherein the taxes sued for are fifteen dollars or less, four dollars, and in each case wherein the taxes sued for shall exceed said last named sum, eight dollars; and no other Clerk's fees shall be charged or collected in such suits.

Said fees shall be collected in United States gold or silver coin, and the Clerk shall account for and pay the same into the County Salary Fund of said county, at the same time, in the same manner, and for the same purposes, as other fees of his said office are required by the Act to which this Act is supplemental to be paid into said Fund. (Amendment approved April 4th, 1870, p. 747; took effect from passage.)

## FEES OF DISTRICT ATTORNEYS.

897. SEC. 17. For all collections on bonds and District Attorney. forfeited recognizances, ten per centum.

For every conviction under the Act to prohibit gaming, and to prohibit lotteries, raffles, gifts, gift enterprises, and other schemes, to be collected with the fine or fines imposed upon the party convicted, fifty dollars.

For all amounts collected by him for the State or county by action, eight per centum on the amount collected.

Same.

898. SEC. 18. The County Surveyor, Coroner, Public Administrator, Court Commissioner, Justices of the Peace, Constables, jurors, witnesses, interpreters, and translators, referees, and Judges and Clerks of Election, shall receive for their own use and benefit, for services rendered in the discharge of the duties imposed on them by law, such fees as are in this Act provided, and they may lawfully charge, demand, and receive the same in gold and silver coin.

## FEES OF COUNTY SURVEYOR.

County  
Surveyor.

899. SEC. 19. For the first mile actually run with compass and chain, three dollars; for each succeeding mile, two dollars.

For each mile run with compass alone, two dollars.

For each lot laid out and platted in any city or town, two dollars.

For recording a survey, one dollar and fifty cents.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), one dollar.

For traveling to place of survey, for each mile, twenty cents; and if he shall be duly notified, verbally or otherwise, to make other surveys, while in the discharge of his official duty while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, two dollars.

For copies and certificates, per folio, thirty cents.

For erecting a monument at the corner of any survey, when required, two dollars.

For erecting a monument when running a line at a variation or offset, when required, fifty cents.

For copy of any plat or survey, and certificate required by any person, or to be transmitted to the Sur-

veyor General, two dollars; to be paid by the party requiring the survey.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of survey ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF CORONER.

900. SEC. 20. For summoning a jury of inquest, Coroner.  
three dollars.

For swearing a jury, fifty cents.

For issuing a subpoena for one or more witnesses, twenty-five cents.

For issuing a warrant of arrest, fifty cents.

For each mile necessarily traveled, in going to the place of the dead body, twenty cents.

For swearing each witness, twenty-five cents.

For taking down testimony, per folio, twenty cents.

Which fees, in all inquests, shall be paid out of the effects of the deceased, if any; if not, from the Salary Fund of the county.

When acting as Sheriff, he shall receive the same fees as that officer for like services.

FEES OF PUBLIC ADMINISTRATOR.

901. SEC. 21. The fees of Public Administrator Public Ad-  
ministrator  
shall be five per cent upon the amount of the estates administered upon by him; which percentage shall be the only compensation allowed for his services.

FEES OF COURT COMMISSIONER.

902. SEC. 22. For hearing and determining every Court Com-  
missioner.  
ex parte motion for any order or writ, three dollars.

For taking proof and reporting his conclusions thereon as to any matter of fact upon which information is required by the Court, three dollars.

For every day necessarily spent in the business of

Same.

the reference, for examinations into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, three dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, fifty cents.

For taking and certifying depositions, per folio, twenty cents.

For all services performed by him in delinquent tax cases referred to him, one dollar and fifty cents.

Said fees to be paid by the party by whom or at whose instance the matter may be brought before such Commissioner; or if referred by the Court, without motion from either party, or if by consent of the parties, then by the plaintiff; the fees so paid to be taxed as costs, if the party paying the same be the prevailing party.

#### FEES OF JUSTICES OF THE PEACE.

Justice of  
the Peace.

903. SEC. 23. Each Justice of the Peace shall be allowed, in a civil action before him, for all services required to be performed by him before trial, two dollars.

For the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars; *provided*, that if the defendant pleads guilty, only two dollars shall be allowed.

For taking bail after commitment by another magistrate, fifty cents.



For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars. Same.

For copies of docket, or papers in office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage and returning the certificate to the Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents; certifying same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting estrays, to include the transcript for the Recorder, three dollars.

For issuing an execution, and entering satisfaction of the judgment, fifty cents.

In all cases before Justices of the Peace, where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

#### CONSTABLES' FEES.

904. SEC. 24. For serving a summons in civil cases, for each defendant, to include the copy required by law, one dollar. Constable.

Same.

For summoning a jury of twelve or less, before a Justice of the Peace, one dollar and fifty cents.

For each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment, or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, two dollars.

For receiving and taking care of property on execution, order, or attachment, his actual necessary expenses, to be allowed by the Justice who issued the order, attachment, or execution, upon the affidavit of the Constable that the charges are correct, and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant, or order for the delivery of personal property, or for making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit, and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as the sales on execution.

For the transportation of prisoners to the County Jail, the actual necessary expenses.

For attending a Justice's Court, and taking charge of a jury, when required, in each case, fifty cents.

For all other services, the same fees as are allowed Sheriffs for like services.

## FEES TO JURORS.

905. SEC. 25. Grand and trial jurors shall receive Jurors. two dollars and fifty cents per day for attendance upon a Court of record, and twenty cents per mile for traveling from their residence to the place of trial. No person who shall be summoned, and excused, at his request, from serving, shall receive per diem, but mileage only; nor shall mileage be paid to any juror who shall live within two miles of the Court House, nor shall any juror receive per diem who shall be summoned to complete a jury, but who, for any cause, shall be excused. In civil cases, the party in whose favor the verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by each juror shall not amount to two dollars and fifty cents per day, and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, and which shall be paid out of the Salary Fund of the county. If, in any trial in any civil case, the jury be for any cause discharged, without finding a verdict, the fees of the jury shall be paid by the plaintiff, and until they are paid, no further proceedings shall be allowed in the case. Jurors in a Justice's Court, in a civil case, shall receive two dollars per day, but no mileage, to be taxed against the party losing the action.

## FEES OF WITNESSES.

**Witnesses.** 906. SEC. 26. For attending in any civil suit or proceeding before any Court of record, referee, or commissioner, for each day, two dollars and fifty cents; before a Justice of the Peace, for each day, two dollars.

For traveling to the place of trial, for each mile, twenty cents.

In cases of impeachment and contested elections, for traveling to the place of trial, fifteen cents per mile.

No person shall be obliged to attend or testify in a civil action unless his fees have been tendered, or he shall not have demanded the same.

No fees shall be allowed any witness in a criminal action or proceeding, unless he attend before a Court of record as a witness on behalf of the people, on a subpoena, or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance be upon the trial, by an order upon its minutes, or in any other case the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

## FEES OF INTERPRETERS AND TRANSLATORS.

**Interpreters and translators.** 907. SEC. 27. Interpreters and translators shall be allowed such compensation for their services as the Court may allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

## FEES OF REFEREES.

. 908. SEC. 28. For every day necessarily spent in the business of the reference, three dollars. Referee.

For taking testimony and certifying the same, per folio, thirty cents.

## FEES OF JUDGES AND CLERKS OF ELECTION.

909. SEC. 29. Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed, and not exceeding five days pay in any one year, which shall be full compensation for all services required by law to be by them performed. Judges and Clerks of Election.

910. SEC. 30. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with the date, name of payer, and the nature of the service in each case. If any person shall hold more than one office, he may keep a separate fee book for each office and make separate statements, or he may keep a joint fee book and make joint statements, at his discretion. At the close of every six months, or within five days thereafter, the officers herein named who are required to keep a fee book, shall file with the County Auditor a statement, under oath, of the amount of fees charged therein during the preceding six months, ending on the last day of the month. The County Auditor shall, in the month of March, make an abstract of the statements filed in his office for each officer, and forward the same to the Secretary of State, which abstract Fee book.

Penalty for neglect. shall be sworn to. Any officer required to keep a fee book, as in this section provided, who shall refuse, or willfully neglect to keep such book, or to file sworn statements, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, and removal from office, if in office at time of sentence.

Fee book to be presented to Supervisors. 911. SEC. 31. The officers named in this Act who are required to pay the fees collected by them into the County Salary Fund, shall, on the first Monday of each and every month, at the regular meeting of the Board of Supervisors, present his fee book to said Board, with the same footed up and the County Treasurer's receipt annexed, that the amount has been paid into the treasury. He shall also make an affidavit in the form as follows:

Affidavit. "I, ———, Sheriff (or other officer, as the case may be,) of the County of El Dorado, do solemnly swear that the entire fees, compensation, commissions, percentage, or payments for all services by me, or any deputy or person connected with my office, for me, has been entered in detail in this fee book of my office and added up, and that the amount thereof is the full amount received or charged since the last payment, and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service for which fees are chargeable and payable to the county, which is not entered in the fee book and added up to make the sum paid to the Treasurer."

Both the Treasurer's receipt, and the affidavit named in this section, shall be written upon the face of the fee book, following the record of fees for the month.

Fees credited. 912. SEC. 32. Any officer required by this Act to pay his fees into the treasury, who shall credit any person for fees, percentage, or commissions, for any

service rendered under this Act, for which he is allowed to charge, shall do so at his own risk, and the same shall be entered in the fee book and paid over at the end of the month, the same as if it had not been credited.

913. SEC. 33. For a willful neglect or refusal to comply with section thirty-one of this Act, the officer or officers named shall, in addition to having his account rejected by the Board of Supervisors, be deemed guilty of a misdemeanor, and, on conviction thereof, be fined in any sum not exceeding one thousand dollars or imprisoned in the County Jail not to exceed one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing in said section thirty-one shall release them from giving any bond required of them by law, or from any civil responsibility, to any and all persons, in relation to the business that may be applicable to their several official duties.

Penalty for  
neglect of  
duty.

914. SEC. 34. Every officer herein specified shall prepare and set up in his office a plain table of his fees, within twenty days after entering upon the duties of his office, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not less than five nor more than twenty dollars, which may be recovered by any person, before any Justice of the Peace of the same county, one half for the use and benefit of the person complaining, and the other one half to be paid to the Salary Fund.

Table of  
fees.

915. SEC. 35. When by law any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs shall be tendered the officer by the party requiring the publication, before said officer shall be compelled to make the same.

Costs of  
publication

Execution  
for fees due

916. SEC. 36. If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received the fees due him for services rendered by him, he may have execution in his own name against the party by whom they are due, to be issued by the Court in which the action is pending.

Receipt  
for fees.

917. SEC. 37. Every officer may be required to give to the party paying the same, a detailed account of fees, receipting said account, and for refusing or neglecting to do so when required, shall be liable to the party paying the same, for three times the amount so paid.

#### BONDS.

Bonds.

918. SEC. 38. The several officers named in this Act, before entering upon the duties of their respective offices, shall execute a bond with two or more sureties, to be approved by the County Judge, in the several amounts specified in the next section, conditioned for the faithful performance of all duties enjoined upon them by law, and more particularly that they will account for, and pay over to the proper persons, all moneys which may come into their hands, said bonds to be governed by the laws relating to official bonds, and to be filed with the County Clerk, except that the County Clerk shall file his bonds with the County Treasurer.

Same.

919. SEC. 39. The amount of the bonds of the several officers named in this Act, shall be as follows:

County Clerk, ten thousand dollars.

County Clerk, as ex officio Recorder, ten thousand dollars.

County Clerk, as ex officio Auditor, ten thousand dollars.

Sheriff, thirty thousand dollars.

Treasurer, forty thousand dollars.



Treasurer, as ex officio Tax Collector, twenty thousand dollars. Same.

Assessor, five thousand dollars.

Assessor, as ex officio collector of poll tax, road tax, licenses, and foreign miners' licenses, fifteen thousand dollars.

District Attorney, three thousand dollars.

Surveyor, one thousand dollars.

Coroner, one thousand dollars.

County Superintendent of Common Schools, two thousand dollars.

Public Administrator, ten thousand dollars, which may be increased, in the discretion of the Probate Judge.

Justices of the Peace, five hundred dollars.

Constables, five hundred dollars.

920. SEC. 40. The Sheriff shall serve all warrants, subpœnas, venires, and other papers in criminal cases pending in the District or County Court of the county; and no charge therefor shall be made by him against the county, except for mileage; and he shall be responsible to any and all persons whom he may appoint or authorize to serve papers of any kind or description; and the Board of Supervisors are hereby forbidden to allow any Constable or other person fees or commissions for the service of any papers in any criminal case pending before the Grand Jury, District, or County Court. Duty of Sheriff.

921. SEC. 41. The County Clerk elected at the general election held in the County of El Dorado on the first day of September, A. D. eighteen hundred and sixty-nine, is hereby declared to be an ex officio Recorder and Auditor of said county, and he is hereby authorized to take possession of all books, papers, records, documents, and all things of every kind and description appertaining to the said offices of Recorder County Clerk as ex officio Recorder and Auditor.

and Auditor of said El Dorado County, on the first Monday of March, A. D. eighteen hundred and seventy, that being the time fixed by law for the expiration of the term of the present incumbent, whose term of office shall cease, determine, and expire.

Sheriff as  
ex officio  
County  
Treasurer.

922. SEC. 42. The Sheriff, at the general election to be held in the year A. D. one thousand eight hundred and seventy-one, shall be ex officio County Treasurer; and for his services as such ex officio Treasurer he shall receive the sum of seven hundred dollars per annum, in addition to his salary as Sheriff; and he shall be subject to and governed in all respects as is herein provided for the Treasurer, and, in addition to his bond as Sheriff, shall give, as ex officio Treasurer, the bond herein provided for the Treasurer. From and after the first Monday in March, A. D. one thousand eight hundred and seventy-two, the offices of Sheriff and Treasurer are hereby declared to be united and consolidated in said county.

Coroner  
as ex officio  
Public Ad-  
ministrator

923. SEC. 43. The Coroner elected at the general election to be held in the year A. D. eighteen hundred and seventy-one, shall be and he is hereby declared to be ex officio Public Administrator, and shall be governed by all laws appertaining to the said office; and from and after the first Monday in March, A. D. eighteen hundred and seventy-two, the said offices of Coroner and Public Administrator are hereby declared to be consolidated and united in said county.

Repealed.

924. SEC. 44. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to the County of El Dorado.

To take  
effect.

925. SEC. 45. This Act shall take effect and be in force from and after the sixth day of March, A. D. eighteen hundred and seventy.

The Act relative to the salary of Supervisors, and mileage, approved February 14th, 1866, p. 85, and the Act relative to officers and their deputies, approved February 28th, 1866, p. 127, as amended February 10th, 1868, p. 43, and the Act amendatory thereto, approved April 2d, 1868, p. 865, were superseded by the foregoing Act.

## NAPA COUNTY.

### *An Act concerning the office of County Clerk of Napa County.*

[Approved March 24, 1870, p. 368.]

[Enacting clause.]

926. SECTION 1. The County Clerk of Napa County shall receive, for all services required of him as County Clerk and ex officio Clerk of the District Court, County Court, Probate Court, and Clerk of the Board of Supervisors and Board of Equalization, a salary of three thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and shall be paid monthly out of the County Treasury of Napa County.

Salary of  
County  
Clerk of  
Napa  
County.

927. SEC. 2. The County Clerk of said county shall collect and safely keep all fees and compensation, of whatever kind or nature, allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month, shall pay the same over to the County Treasurer of said county, and shall, at the times herein provided for the paying over to the said Treasurer, make out and file with said Treasurer a full and accurate statement, under oath, of all fees or compensation, of whatever nature or kind, received in his said several official capacities for the preceding month.

Fees to be  
paid into  
treasury.

Treasurer  
to receipt.

928. SEC. 3. It shall be the duty of the County Treasurer to receive and receipt for all moneys paid over to him under the provisions of this Act.

Payment  
of salary.

929. SEC. 4. It shall be the duty of the County Auditor of said county, on the first Monday of each and every month, to draw a warrant upon the County Treasurer, in favor of the County Clerk, for the amount of salary due each month.

SEC. 5. This Act shall take effect and be in force from and after its passage.

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## NEVADA COUNTY.

*An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.*

[Approved March 5, 1870, p. 142.]

[Enacting clause.]

Fees and  
salaries of  
Nevada  
County.

930. SECTION 1. Such salaries and fees shall be allowed and paid to the following officers of the County of Nevada as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law.

Board of  
Supervi-  
sors.

931. SEC. 2. Each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, the sum of eight dollars per day, and not to exceed in the aggregate, during any one year, five hundred dollars; and he shall receive twenty cents per mile for each mile necessarily traveled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor, at each term held.

932. SEC. 3. The County Assessor shall receive County Assessor. a salary of three thousand dollars per annum, and he shall also be allowed two Deputy Assessors, who shall each be paid by the county at the rate of six dollars per day for the time actually employed, during the term allowed by law for the assessment of taxes; *provided*, that neither of the Deputy Assessors shall receive, during any one year, more than six hundred dollars for all services required of him as Deputy Assessor.

933. SEC. 4. The Sheriff shall receive a salary of Sheriff. three thousand dollars per annum; he shall also be allowed to retain, for his own use and benefit, the mileage now allowed by law, and twenty-five per cent of all other fees and percentage allowed by law and collected by him by virtue of his office. The Sheriff shall be allowed one Under Sheriff and one Jailer, who shall receive the following salaries: The Under Sheriff shall receive, for all services required of him by law, the salary of fifteen hundred dollars per annum. The Jailer shall receive, for all services required of him by law, the salary of one thousand dollars per annum. The Sheriff shall also be allowed one Deputy Sheriff whenever the Board of Supervisors shall deem it necessary, who shall receive, for all services required of him by law, a salary at the rate of fifteen hundred dollars per annum, for such time only as the Board shall, by an order entered upon the records, direct.

934. SEC. 5. The County Clerk shall be ex officio County Clerk. Clerk of the Board of Supervisors, and ex officio County Auditor, and he shall receive, in full compensation for his services as County Clerk, ex officio Clerk of the Board of Supervisors, and ex officio County Auditor, two thousand seven hundred dollars per annum. The County Clerk shall be allowed one Deputy Clerk, who shall receive, for all services re-

quired of him, a salary of eighteen hundred dollars per annum.

County  
Recorder.

935. SEC. 6. The County Recorder shall receive, for all services required of him by law, a salary of two thousand and four hundred dollars per annum. The County Recorder shall be allowed one Deputy Recorder, who shall receive, for all services required of him, a salary of twelve hundred dollars per annum. The County Recorder shall be allowed one additional Deputy County Recorder, at such times as the Board of Supervisors may deem it necessary, to discharge the duties of said office, who shall receive a salary at the rate of twelve hundred dollars per annum, for such times only as the Board shall, by an order entered on the minutes, direct.

County  
Treasurer.

936. SEC. 7. The County Treasurer shall receive, in full compensation for all services required of him by law, a salary of two thousand dollars per annum, and he shall also be allowed to retain, for his own use, all sums allowed him by the State as mileage.

District  
Attorney.

937. SEC. 8. The District Attorney shall receive, for all services required of him by law, a salary of twelve hundred dollars per annum, and the following named additioned fees and percentage:

For each conviction for felony, when the punishment is death, the sum of fifty dollars.

For each conviction for other felonies, twenty-five dollars.

For each conviction for misdemeanor, the sum of fifteen dollars.

Which said several sums shall be assessed against the person convicted; and if the same cannot be collected from the person so convicted, then it shall be adjudged an indebtedness against said county, and be audited by the Board of Supervisors of said county.

For all collections on bonds or forfeited recognizances, ten per centum. Same.

For all actions in which the State or county shall be a party thereto, except actions for collections of taxes, he shall receive the same compensation, fee, or percentage allowed by the general laws of the State to District Attorneys.

For services rendered in the collection of delinquent taxes, in each case when the tax does not exceed fifteen dollars, if paid before judgment, a fee of one dollar and fifty cents; if paid after judgment, a fee of two dollars and twenty-five cents; and in each case when the tax exceeds fifteen dollars, ten per centum on the sum collected, if paid before judgment; and if paid after judgment, fifteen per centum of the sum collected.

In every case the said fee shall be added to the original tax, which shall constitute a part of the demand or judgment against the delinquent or the property assessed; *provided*, that in no case shall the State or county be liable for any costs, fee, or percentage in the collection of taxes.

938. SEC. 9. The County Judge shall receive, for all services required of him by law, a salary of two thousand four hundred dollars per annum. County Judge.

939. SEC. 10. The Collector, for collecting all taxes for State and county purposes, shall receive one thousand dollars per annum and the fees and percentage now allowed by law for collecting licenses, poll taxes, and foreign miners' licenses. Tax Collector.

940. SEC. 11. The Sheriff, Clerk, Recorder, and Tax Collector on real and personal property, named in this Act, who are entitled to charge and collect or receive any fees, commissions, percentage, or other compensation, of whatever nature or kind, allowed by law for services by them or their deputies, in their Fees collected to be paid monthly into treasury.

Fee book  
to be kept.

Open to  
inspection.

Fees to be  
credited to  
General  
Fund.

Auditor  
to draw  
warrants  
for salaries.

several official capacities, or for the performance of duties appertaining to said offices, shall collect and safely keep the same; and on the first Monday in April, A. D. eighteen hundred and seventy, and on the first Monday of each month thereafter, shall account for, settle, and pay the amount by them received (except such fees, mileage, and percentage as they are to receive for their own use under the provisions of this Act), to the Treasurer of said county. It shall be and is hereby made the duty of all such officers who are entitled to charge and collect or receive fees, commissions, or other compensation, for their official services, to keep a book or books, in which shall be entered by items the amount received for all official services performed by them, or any of their deputies, showing the date and nature of such services, and the amount received therefor; which book or books shall, at all office hours, be open to the inspection of the Board of Supervisors, or any citizen; and each of said officers shall, at the expiration of each month, make out and verify by oath, and file with the Auditor, a full and accurate transcript from his said book or books, of the entries of the preceding month. All fees or compensation for official services which, under this Act, are required to be paid to the County Treasurer, shall be credited to the General Fund of the county, and be applied to the payment of Auditor's warrants, as now provided by law.

941. SEC. 12. The County Auditor of Nevada County shall, on the first Tuesday of each month, or as soon thereafter as application is made by the proper officer or Clerk entitled to salary under this Act, draw his warrant on the County Treasurer for one twelfth part of his yearly salary, which shall be paid out of the General Fund; *provided*, he shall not issue his warrant for any salary in advance.



942. SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to the County of Nevada. Repeal.

SEC. 14. This Act shall take effect from and after its passage.

The Act of January 11th, 1866, p. 12, in relation to County Auditor of Nevada, and the Act relative to fees of office of Sheriff, and providing for additional deputies of County Recorder of Nevada, approved March 10th, 1866, p. 205, and the Act in relation to the compensation of District Attorney, approved March 31st, 1866, p. 638, were superseded by the foregoing Act.

### FEES IN PLACER COUNTY.

*An Act to regulate the fees of Justices and Constables in Placer County.*

[Approved April 4, 1870, p. 805.]

[Enacting clause.]

943. SECTION 1. For filing each paper, twenty-five cents.

Fees of  
Justices of  
the Peace  
in Placer  
County.

For issuing any writ or process by which suit is commenced, one dollar.

For entering such cause on his docket, fifty cents.

For subpoena to each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents; for certifying the same, fifty cents.

For each certificate, fifty cents.

For issuing writ of attachment, or of arrest, or for delivery of property, two dollars.

For entering any final judgment, three dollars.

For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

For taking justification on a bond, one dollar.

For swearing a jury, one dollar.

For taking depositions, per folio, thirty cents.

Same.

For entering satisfaction of a judgment, fifty cents.  
 For copy of judgment, order, docket, proceeding, or paper in his office, for each folio, thirty cents.

For transcript of judgment, per folio, thirty cents.

For issuing commission to take testimony, one dollar.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, two dollars.

For issuing search warrant, one dollar.

For issuing execution, fifty cents.

For celebrating marriage, and returning certificate to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in a criminal case, one dollar.

For entering cause without process, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict, or default, twenty-five cents.

## CONSTABLE'S FEES.

Consta-  
bles' fees.

944. SEC. 2. For serving summons in civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, three dollars.

For taking a bond required to be taken, one dollar.

For copy of any writ, process, or paper, when required by law, for each folio, thirty cents.

For summoning each witness, fifty cents.

For serving an attachment, or levying an execution against the property of defendant, three dollars.

For summoning and swearing a jury to try the rights of property and taking verdict, three dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred. Same.

For collecting all sums on execution, three per cent, to be charged against the defendant in execution.

Constables shall receive, in serving summonses, attachments, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily traveled, in going only—but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction—forty cents.

For serving a warrant or order of delivery of personal property, or making an arrest in civil cases, two dollars.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspapers, three dollars.

For serving every notice, rule, or order, one dollar.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Constable's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgments and stamp thereof, three dollars.

For travel in the services in every process not hereinbefore mentioned, for each mile necessarily traveled, in going only, forty cents.

Same.

For making every arrest in criminal proceeding, three dollars.

For serving each subpoena in criminal proceedings, fifty cents.

For summoning each jury in criminal cases, three dollars.

For service of any process in criminal cases, for each mile traveled, twenty cents; and the same mileage for taking prisoner before a magistrate or to prison. In serving subpoenas or venirens in criminal cases, he shall receive mileage for the most distant only, where witnesses or jurors live in the same direction.

SEC. 3. This Act shall be in force from and after its passage.

The Act in relation to the salary of District Attorney of Placer County, approved March 22d, 1866, p. 352, was superseded by the Act to regulate fees of office, approved March 5th, 1870, p. 148; and so far as the salary of the District Attorney, see Political Code.

## FEES IN SAN BERNARDINO COUNTY.

*An Act to regulate the fees of Constables in the County of San Bernardino.*

[Approved April 2, 1866, p. 822.]

[Enacting clause.]

Fees in  
San Ber-  
nardino  
County.

945. SECTION 1. Constables in San Bernardino County shall receive the following fees, to wit:

For serving summons in civil suits, for each defendant, twenty-five cents.

For summoning a jury before a Justice of the Peace, seventy-five cents.

For taking a bond required to be taken, twenty-five cents.

For summoning each witness, ten cents.

For serving an attachment against the property of a defendant, fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, one dollar. Same.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct and the expenses necessarily incurred.

For collecting all sums on executions, one half of one per cent, to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachments, order, execution, venire, notice, and subpœna, in civil cases, for each mile traveled, in going only, (but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction), five cents.

For serving a warrant, or order for delivery of personal property, or making an arrest in civil cases, fifty cents.

For service and travel in criminal cases, the same fees as is [are] allowed in civil cases.

For all other services the same fees as is [are] allowed in this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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*An Act to fix the fees of witnesses in criminal actions in  
San Bernardino County.*

Approved March 9, 1870, p. 219.

[Enacting clause.]

946. SECTION 1. Witnesses in criminal actions shall receive fees, to be fixed by the Board of Supervisors, only when they attend before the County Court Witness fees.

or District Court on behalf of the people, upon a subpoena, or by virtue of a recognizance.

SEC. 2. This Act shall take effect from and after its passage.

Salary of Town Recorder of San Buenaventura, Stats. 1866, p. 217.

## SAN FRANCISCO CITY AND COUNTY.

*An Act to regulate fees in the City and County of San Francisco.*

[Approved February 9, 1866, p. 66.]

[Enacting clause.]

Fees of  
officers  
for San  
Francisco  
City and  
County.

947. SECTION 1. In the City and County of San Francisco such fees are allowed to the officers herein named for their services rendered in discharging the duties imposed on them by law as herein provided, and such officers may lawfully demand and receive the same in gold and silver coin of the United States, and no more.

Clerk of  
District  
Court.

948. SEC. 2. The Clerk of the Fourth, Twelfth, and Fifteenth Judicial Districts shall collect:

For services performed by him before trial, including indexing, and judgment by default, and the entering up of the same in any action or proceeding, six dollars and fifty cents.

For the trial, swearing the jury and witnesses, and for all proceedings subsequent to the trial, including the entry of judgment, to be paid by the party moving the same, four dollars.

Said Clerk shall also collect as follows:

For filing and entering papers on transfer of cases from other Courts, including indexing, three dollars and fifty cents.

For transmission of files, or transfer of cases to other Courts, two dollars and fifty cents. Same.

For administering and certifying oaths, except oath administered at the trial to jury and witnesses, fifty cents.

For certifying transcripts on appeal, and exemplifications of record, besides the charges allowed in this Act for copying, one dollar.

For taking and certifying depositions, twenty cents a folio.

For certifying under seal to the official character and signature of officers, one dollar.

For taking acknowledgments, one dollar.

For taking justification of sureties, fifty cents; and for taking testimony thereon, twenty cents a folio.

For attending in his official capacity as witness in a civil suit, two dollars.

For searching files of each year in his office, except for suitors or their attorneys, one dollar.

949. SEC. 3. The Clerk of the County Court shall collect: Clerk of  
County  
Court.

For all services performed by him in cases appealed from Justices' Courts, before trial, two dollars.

For the trial and subsequent proceedings, including final judgment, to be paid by the party moving the same, three dollars.

For filing transcripts of judgments of Justices' Courts, for docketing the same, and issuing execution thereon, three dollars.

For recording certificates of incorporation, where recording is required by law, twenty cents a folio.

For recording the testimony and commitment upon examination of insane persons, where it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, twenty cents a folio.

Same.

For filing official bonds, twenty-five cents; for recording the same, where recording is required by law, twenty cents a folio.

For issuing the writ of habeas corpus, three dollars.

For issuing marriage licenses, two dollars.

The fees prescribed in the foregoing section, as far as they are applicable to the County Court, shall be collected by the Clerk thereof. In all cases over which original jurisdiction has been given to the County Court, as actions for forcible entry and detainer, petitions in insolvency, petitions to dissolve corporations, etc., the same fees shall be collected by the Clerk of the County Court as are herein allowed in the District Courts of said city and county for similar services.

Clerk of  
Probate  
Court.

950. SEC. 4. The Clerk of the Probate Court shall collect:

For filing the papers, and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars.

For all other services, up to and including a final settlement of the case, except as hereinafter provided, eight dollars.

For administering and certifying oaths, except oaths administered in open Court, fifty cents.

In any estate, in the administration of which the orders and papers to be recorded exceed thirty folios, the Clerk shall collect twenty cents for every subsequent folio to be recorded in said estate.

Probate  
Judge.

There shall be no Probate Judge's fees in said city and county.

Justices of  
the Peace.

951. SEC. 5. The Justices of the Peace, severally, shall be allowed in any action before them, for all services of every kind whatsoever required to be performed by them before the trial in such action, two dollars; and for the trial and all proceedings sub-



sequent thereto, including all affidavits, swearing witnesses, and jury, and the entry of all judgments therein, three dollars; and under no pretext whatever shall said Justices, in any one action, be authorized or legally entitled to ask, demand, or receive any other or further fee or charge, except for copies of papers on appeal, as hereinafter provided.

952. SEC. 6. The prevailing party shall be allowed five per cent on the amount recovered, together with any sum by him so paid in a cause as costs and disbursements, to be included in the judgment against the adverse party; *provided*, said five per cent shall be allowed only in litigated cases; and, *provided further*, that said percentage shall not be allowed to exceed the sum of one hundred dollars on any one judgment.

Percentage  
allowed  
prevailing  
party.

953. SEC. 7. The Justices of the Peace and the Clerks of the several Courts above named shall receive no other fees for any services whatever performed by them in any action or proceeding, except for copies of papers required on appeal, or furnished at the request of any person, for which they shall be allowed at the rate of ten cents for each one hundred words; and in case of any violation of the provisions of this Act, the party receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, beside costs of suit, and shall further be liable to impeachment, or removal from office, or both.

No other  
fees.

954. SEC. 8. The Judges of District, County, and Probate Courts, in and for the City and County of San Francisco, may, upon proper showing of the disability of parties to pay the legal fees, remit the same, or any part thereof.

Penalty.

• Remit-  
tance of  
fees.

955. SEC. 9. All Acts or parts of Acts relating to the collection of fees by the County Clerk of San Francisco County, in his several official capacities, and by the Justices of the Peace of said county, are hereby repealed, as far as they relate to said city and county.

Disposi-  
tion of  
fees.

956. SEC. 10. All fees collected by the County Clerk of San Francisco County, in his several official capacities, shall be paid into the treasury of said city and county.

SEC. 11. This Act shall be in force from and after its passage.

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*An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurer of the City and County of San Francisco.*

[Approved May 4, 1870, p. 122.]

[Enacting clause.]

Payment  
of salaries.

957. SECTION 1. Salaries shall be allowed and paid to the following named clerk and deputies as in this Act provided, and not otherwise, to be audited and paid as the salaries of said officers are now audited and paid, viz: To one clerk of the Auditor of said city and county, two hundred and fifty dollars per month; to one deputy of the Treasurer of said city and county, two hundred and fifty dollars per month; and to one additional deputy, one hundred and seventy-five dollars per month.

Auditor's  
Clerk.

Treasurer's  
deputy.

In lieu of.

958. SEC. 2. The salaries allowed by this Act shall be in lieu of the salaries now received, and shall be in full compensation for all official services required of them by law.

Repeal.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they affect this Act, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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*An Act to amend an Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved March twelfth, eighteen hundred and sixty-four.*

[Approved March 31, 1866, p. 625.]

[Enacting clause.]

959. SECTION 1. The salary to be allowed and Salary.  
paid to the Coroner of the City and County of San Francisco shall be twenty-five hundred dollars per annum.

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*An Act concerning the fees of jurors and witnesses in the City and County of San Francisco.*

[Approved February 27, 1866, p. 122.]

[Enacting clause.]

960. SECTION 1. In the City and County of San Same.  
Francisco the fees of jurors and witnesses shall be as hereinafter provided.

961. SEC. 2. The fees of jurors shall be for each Fees of  
jurors.  
cause—and if a cause occupy more than a day, then for each day's attendance—two dollars in United States gold and silver coin, to be paid in civil cases by the party in whose favor verdict is rendered before the same may be recovered as costs against the party losing the case. If, in any trial in a civil case before any Court the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment. Until they are paid, no further proceedings shall be allowed in

the action. No person shall receive fees for serving on a Coroner's jury.

Fees of  
witnesses.

962. SEC. 3. The fees of witnesses for attending in any civil suit or proceeding before any Court of record, referee, Commissioner, or Justice of the Peace, shall be, for each day, two dollars in United States gold or silver coin. No person shall be obliged to attend as a witness in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; and no person who resides without said city and county shall be obliged, in a civil action or proceeding, to attend as a witness in said county unless the distance be less than thirty miles from his place of residence to the place of trial; and any such witness shall be entitled, for traveling from his place of residence to the place of trial, to twenty-five cents for each mile.

SEC. 4. All Acts, or parts of Acts, in conflict with this Act, are hereby repealed.

SEC. 5. This Act shall go into effect immediately.

#### REFERENCES TO SPECIAL ACTS.

Fees of officers in Justices' Courts to be paid in advance, Stats. 1866, p. 424.

Of presiding Justices of the Peace, Stats. 1868, p. 276.

Salary of Assistant Clerk of Supervisors, Stats. 1866, p. 82.

Of Health Officer, Stats. 1866, p. 83; 1870, p. 717.

Of officers of Paid Fire Department, Stats. 1866, p. 139.

Of employes in Almshouse, Stats. 1866, p. 214.

Of Assessors' deputies, Stats. 1866, p. 477; 1868, p. 39.

Of additional Deputy Tax Collector, Stats. 1866, p. 583.

Of officers of commission on Kearny street, Stats. 1866, p. 663.

Of quarantine officer and Clerk of Board of Health, Stats. 1866, p. 742.

Of County Clerk's deputies, Stats. 1868, p. 68; 1870, p. 512.

Of Fire Marshal, Stats. 1868, p. 280.

Of officers of Industrial School, Stats. 1868, p. 505.

Of Supervisors, Stats. 1868, p. 702.

Of Judge of Municipal Court, Stats. 1870, p. 538.

Of Montgomery Avenue Commissioners, Stats. 1870, p. 490.

Of Secretary of Board of Education, Stats. 1870, p. 670.

Of Sheriff's bookkeeper, Stats. 1870, p. 696.

Of Deputy Recorder, Stats. 1870, p. 696.

Of City Hall Commissioners, Stats. 1870, pp. 738, 743.

Of Commissioners to modify and grade streets, Stats. 1870, p. 45.

Of Justice of the Peace, Stats. 1870, p. 58.

## FEES IN SAN LUIS OBISPO COUNTY.

*An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo.*

[Approved March 29, 1870, p. 437.]

[Enacting clause.]

963. SECTION 1. In the County of San Luis Obispo, such fees as are allowed to officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand, and receive the same in gold and silver coin of the United States.

Fees in  
San Luis  
Obispo  
County.

964. SEC. 2. The Clerk of the District Court shall receive the fees hereinafter specified:

Clerk of  
District  
Court.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process under seal, fifty cents.

For subpoena for one or more witnesses, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, default, discontinuance, dismissal, or nonsuit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

Same.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty cents.

For each certificate under seal, fifty cents.

For searching the files of each year in his office (but not to charge suitors or attorneys), fifty cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during trial, for each folio, twenty cents, to be paid by the party requiring the same.

For issuing every execution, or other final process, fifty cents.

For issuing every decree or order of sale of mortgaged property, fifty cents.

For issuing writ of injunction, or attachment, fifty cents.

For entering judgment by confession, the same fee as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents.

For taking acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, one dollar, and for each additional name, twenty-five cents.

For other services not herein enumerated, the same fees as now provided for by law.

965. SEC. 3. The Clerk of the County Court shall receive: Clerk of  
County  
Court.

For filing all the papers sent on appeal from Justice's Court, in each cause, and for making the necessary entries concerning the same, two dollars.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

966. SEC. 4. The Clerk of the Probate Court shall receive: Clerk of  
Probate  
Court.

For issuing letters testamentary or of administration, fifty cents.

For certificate of appointing appraisers or guardians, fifty cents.

For writing and posting notice, when required, for each copy, fifty cents.

For recording wills, per folio, fifty cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, fifty cents.

967. SEC. 5. The County Recorder shall receive: County  
Recorder.

For recording any instrument, paper, or notice, when required, for each folio, twenty cents.

For copies of any record or paper, per folio, twenty cents.

For other services not herein enumerated, the same fees as are now allowed by law.

968. SEC. 6. The County Clerk shall receive, for all services rendered by him as such Clerk, or as Auditor, Clerk of Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or in any other way, by virtue of his office or any of his ex officio offices, and for all services rendered by him for which fees are now chargeable against the county, the sum of eight hundred dollars per annum, County  
Clerk.

payable quarterly out of the fund for current expenses of said county, in the same manner as are paid other salaries of county officers fixed by law; *provided*, that this Act shall not affect the right of said County Clerk to receive from the State that portion of his compensation as Auditor which is now allowed by law, chargeable against the State, for services rendered in and about the collection of the revenue of the State, and also, that said County Clerk shall be entitled to receive such fees in civil cases as are already fixed by law.

**Sheriff.**

969. SEC. 7. The Sheriff shall receive, for taking bonds or undertakings in any case in which he shall be authorized to take the same, fifty cents.

For serving any notice, rule, or order, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest or order of delivery of personal property, one dollar and fifty cents.

For commissions for receiving and paying over money on execution or process, where lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent, and on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution, without levy, or when the lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum.

For other services not herein enumerated, the same fees as are now allowed by law; *provided*, that the Sheriff shall receive for all services hereafter to be rendered by him to the County of San Luis Obispo, in civil cases in which said county may be a party, and in all criminal cases, and in lieu of all other compensation of fees, of whatever kind, for services in such cases, a salary of fifteen hundred dollars per annum,



to be paid in United States gold coin, in the same manner as are now paid the other salaries of the county officers from the County Treasury, as fixed by law.

970. SEC. 8. The County Treasurer shall be allowed three per cent on all moneys disbursed by him, but shall not be allowed any commission upon the amount retained by the Sheriff or other Tax Collector for his fees, or any compensation for receiving. He shall also be allowed twenty cents per mile for traveling to and from the seat of government, to make his semi-annual settlements. He shall receive no compensation upon School Fund moneys, except such fees as are now allowed by law for the disbursement of moneys received on school lands, and shall receive no other or further compensation or salary than that expressed in this Act.

County  
Treasurer.

971. SEC. 9. The County Assessor shall be allowed by the Board of Supervisors a reasonable compensation for his services, not to exceed five dollars per day. He shall keep a correct account of the number of days he has been employed in the discharge of his official duties, and shall verify the same on oath before the County Clerk or other person qualified to administer oaths. The Board of Supervisors, before allowing his claim, shall satisfy themselves of the correctness of the accounts. He shall receive no other compensation whatsoever, and no additional compensation shall be allowed for the service of deputies.

County  
Assessor.

972. SEC. 10. The District Attorney shall receive for his services, to be paid quarterly, audited in like manner as the County Judge's salary, the sum of seven hundred dollars. He shall also receive such other compensation as is now provided for by law, exclusive of salary.

District  
Attorney.

Constable.

973. SEC. 11. Constables shall receive for serving summons in a civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, one dollar and fifty cents.

For taking a bond required by law, fifty cents.

For serving an attachment against the property of a defendant, one dollar.

For summoning and swearing a jury to try the right of property, and taking the verdict, two dollars.

For receiving and taking care of property on execution, attachment, or other order, his actual necessary expenses, to be allowed by the Justice who issued the writ, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, two per cent, to be charged against the defendant in the execution; mileage shall be charged, reckoned, and paid in like manner, in all cases, as in this Act provided for in the case of the Sheriff.

For serving a warrant or order for the delivery of personal property, or making an arrest in civil cases, one dollar.

For all other services, civil or criminal, except attending Court, the same fees as are allowed the Sheriffs for similar services.

Notaries  
Public.

974. SEC. 12. Notaries Public shall receive for drawing and copying every protest for the non-payment or non-acceptance of a bill of exchange, draft, or check, one dollar and fifty cents.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft, or check, one dollar.

For recording every protest, one dollar.

For drawing an affidavit, deposition, or other paper,

for which provision is not herein named, for each folio, twenty-five cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For every certificate, to include writing the same and seal, one dollar.

975. SEC. 13. Each member of the Board of Supervisors Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, a sum, to be paid by the Board, not exceeding four dollars per day, and not to exceed in the aggregate, during any one year, one hundred and fifty dollars; and he shall receive twenty-five cents per mile for each mile necessarily traveled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each term held; and, *provided*, that no Supervisor shall be allowed more than one day's per diem for any one day, by reason of his being on the committees appointed by the Board, or for any other cause; and no further allowance whatever shall be made for services as a member of the Board.

976. SEC. 14. Grand and trial jurors shall receive Jurors. two dollars per day for attendance upon a Court of record, without mileage. In civil cases, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case. If in any trial in a civil case the jury be, from any cause, discharged without finding a verdict, the fees of the

jury shall be paid by the party demanding the jury, but may be recovered as costs if he afterward obtain judgment, and until they are paid no further proceeding shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, without mileage, to be taxed against the party losing the suit. No person shall receive fees for serving on a Coroner's jury or in a criminal case before a Justice of the Peace. In civil cases, mileage at twenty cents per mile shall be allowed in Courts of record.

**Witnesses.** 977. SEC. 15. Witnesses shall receive, for attendance in any civil suit or proceeding before any Court of record, referee, Commissioner, or Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. No person shall be obliged to testify in a civil action unless his fees for attendance, if demanded, have been tendered him. No person shall be obliged to attend as a witness in any civil action or proceeding without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial. In contested election cases, the traveling fees shall only be ten cents per mile. No witness fees or mileage shall be allowed in criminal cases, except where the witness shall have come from any place out of the county, or is poor, in which case the Court, if the witness has been brought under subpoena, or by virtue of a recognizance, may make provision in his favor, as heretofore provided in the Criminal Practice Act.

**Repealed.** SEC. 16. All Acts and parts of Acts repugnant to the provisions of this Act, in so far as the same refer to the County of San Luis Obispo, are hereby repealed.

SEC. 17. This Act shall take effect from and after its passage.

The Act in relation to salary of Sheriff of San Luis Obispo County, approved March 26th, 1868, p. 347, was superseded by the foregoing Act.

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## FEES IN SIERRA COUNTY.

*An Act in relation to the County Officers of the County of Sierra.*

[Approved March 12, 1870, p. 285.]

[Enacting clause.]

978. SECTION 1. No repeal, express or implied, of the Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eight, eighteen hundred and sixty-eight, shall in any manner affect such portions of said Act as make the Sheriff of Sierra County ex officio collector of taxes, and the County Clerk of said county ex officio Recorder, Auditor, and Clerk of the Boards of Supervisors, Equalization, and Canvassers, of said county; and such portions of said Act are hereby declared to be, and remain in full force and effect in the County of Sierra; all taxes heretofore collected by the Constable and Collector of each township in said county, shall hereafter be collected by the Sheriff, as ex officio Tax Collector, and he shall be subject to all the laws and regulations governing the collection of property taxes, foreign miners' licenses, poll taxes, and State and county licenses, in this State, and shall be liable to all the penalties and punishments of the same; *provided*, that nothing herein contained shall be construed to interfere with the right of the Road Overseers in said county to collect the road poll taxes under the special road law in force in said county.

Fees in  
Sierra  
County.

Not to  
affect  
Sheriff  
as Tax  
Collector.

979. SEC. 2. The Sheriff shall receive a salary at the rate of twenty-seven hundred dollars per annum,

Salary of  
Sheriff.

and in addition thereto, he shall receive, for his own use, all mileage allowed by law.

For all services as Tax Collector, the Sheriff shall receive the following percentage, to wit:

Fees.

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on the amount collected.

For all business licenses, he shall receive four per centum on the amount collected.

For the collection of poll taxes, he shall receive fifteen per centum on the amount collected.

For the collection of all property taxes he shall receive three and one half per centum on the total amount collected by him; *provided, however*, that no percentage or commissions shall be allowed for the collection of taxes for school purposes.

The compensation provided in this section shall be in full for all services rendered by the Sheriff, his deputies, or assistants, in the offices of Sheriff, keeper of the jail, and ex officio Tax Collector.

Before entering upon his duties as Tax Collector, the Sheriff shall, in addition to his official bond as Sheriff, give such bond as Tax Collector as is now or may hereafter be required by law.

County  
Clerk.

980. SEC. 3. The County Clerk shall receive a salary of three thousand dollars per annum, which shall be in full for all services rendered by him, his deputies or assistants, as County Clerk, ex officio Recorder, Auditor, and Clerk of the Courts of record and Boards of Supervisors, Equalization, and Canvassers of said county.

The County Clerk, in addition to the official bonds heretofore required of him as County Clerk and as ex officio Recorder, shall also, before entering upon his official duties as Auditor, execute and file a separate bond, with two or more sufficient sureties, in a sum not

to exceed eight thousand dollars, in the discretion of the Board of Supervisors, which bond shall be conditioned for the faithful performance of all his duties as Auditor and Clerk of the Boards of Supervisors, Equalization, and Canvassers of said county. All the official bonds given by the County Clerk as aforesaid, shall be filed with the County Treasurer of Sierra County; *provided*, that nothing contained in this section shall prevent the giving and filing of such bond as Auditor, as may be required to be given and filed with the State Controller, by the revenue laws of the State.

981. SEC. 4. The County Treasurer shall receive a salary of one thousand dollars per annum, and shall also receive, for his own use, all mileage allowed him by law, and the compensation allowed by this section shall be in full for all services required of him by law or by virtue of his office. County  
Treasurer.

982. SEC. 5. The County Assessor shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed, by himself or deputies, in making assessments, as the Board of Supervisors shall determine. County  
Assessor.

983. SEC. 6. Each member of the Board of Supervisors of Sierra County shall receive six dollars per diem for each day necessarily employed in the duties of his office, and twenty cents per mile for each mile necessarily traveled in going from his residence to, and returning from the county seat; *provided*, that only one mileage shall be allowed at each term; and *provided further*, that in no event shall the compensation herein allowed to each member of the Board exceed the sum of five hundred dollars per annum. Supervisors

984. SEC. 7. The County Judge shall receive a salary of twelve hundred dollars per annum. County  
Judge.

District  
Attorney.

985. SEC. 8. The District Attorney shall receive a salary of eight hundred dollars per annum, and in addition thereto, the following percentage and fees for his own use:

He shall be entitled to charge and receive ten per centum on all forfeited bonds and recognizances collected by him.

For services rendered by him in the collection of delinquent taxes, ten per centum on the amount received, to be added thereto if paid before judgment; *provided*, that in no case the State or county shall be liable for such per centum.

For all amounts collected by him for the State or county, other than delinquent taxes, bonds, or recognizances, eight per centum on the amount collected; but in no event shall the compensation in any one case exceed five hundred dollars.

For every conviction under the Act to prohibit gaming and the Act to prohibit lotteries, gifts, raffles, gift enterprises, and other schemes, to be collected from the party or parties convicted, fifty dollars.

For each conviction of felony, where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars, and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; but in case the same cannot be collected from the defendant, then fifty per centum thereof shall be considered a county charge, and be audited by the Board of Supervisors.

• Superin-  
tendent  
of Public  
Schools.

986. SEC. 9. The County Superintendent of Public Schools shall receive, for all services required of him by law, a salary of four hundred dollars per annum.



987. SEC. 10. After the expiration of the term of the Public Administrator elected in Sierra County, at the general election held on the first day of September, eighteen hundred and sixty-nine, the District Attorney shall be ex officio Public Administrator in said county, and in addition to his official bond as District Attorney, he shall give such bond, and receive such compensation as Public Administrator, as is now or may hereafter be required or allowed by law; but he shall receive no compensation as attorney's fees for settling estates.

District  
Attorney  
to be  
Public  
Admin-  
istrator.

988. SEC. 11. The Sheriff and County Clerk shall collect and safely keep all fees and commissions now allowed by law for services rendered by them in their several offices and ex officio offices, for which a salary is provided by this Act, and upon the first Monday in each month, shall pay the same into the County Treasury.

To be  
paid into  
treasury.

989. SEC. 12. The said Sheriff and County Clerk, from and after the passage of this Act, shall each keep a book, to be denominated the "Fee Book," which book shall be the property of the county, and which shall be open during office hours, to public inspection. In this book shall be entered, in detail, all fees or compensation, of whatever nature or kind, collected or chargeable in their respective offices and ex officio offices. In one column of said book shall be entered the fees or compensation belonging to the county, and in another column the fees or compensation which, under this Act, may be retained by the officer. On the first Monday in April, eighteen hundred and seventy, and on the first Monday in each month thereafter, the officer shall carefully add up each column, and set down the totals, and the compensation and fees collected or chargeable for the county shall be paid to the County Treasurer, accompanied by a full, accu-

Fee book.

Statement  
of fees.

rate, and detailed statement, in duplicate, under oath, of all fees, percentages, and compensation, of whatever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt, and one of the statements herein required to be made out in duplicate, shall be filed with the Auditor, and until the payment of such fees or compensation which, under this Act, shall belong to the county, be made to the Treasurer, and until said Treasurer's receipt and such officer's detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant in favor of such officer, or any of such officer's deputies; and it shall be discretionary with the Board of Supervisors to further prohibit the drawing of any such warrant until such statement and receipt have been examined and approved by the Board. It is hereby expressly provided, that any officer crediting any fee or percentage for any official services which, under this Act, is provided to be paid by him into the County Treasury, shall do so at his own risk, and said officer shall set down the same in his fee book, and it shall be paid by him into the County Treasury, as herein provided, the same as if he had collected the said fee at the time or prior to the performance of the service for which said fee or percentage was chargeable. The duplicate certificate herein required to be filed with the Treasurer and Auditor shall be sworn to as follows:

Fees  
credited.

Oath.

"I, ———, Sheriff (or other officer, as the case may be,) of the County of Sierra, do solemnly swear that the entire fees, compensation, percentage, and payments for official services rendered by me, or any deputy or person connected with my office, or ex officio for me, have been entered in detail in the fee book of my office and added up, and that the portion

belonging to the county is — dollars; that said amount is the full amount received or chargeable since the last payment, and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service, except service for the county, which is not entered and added up to make the aforesaid sum."

990. SEC. 13. The County Treasurer of Sierra County shall, in addition to the several fund accounts of which he is now by law required to keep, also keep in his books an account entitled the "Salary Fund."

Salary  
Fund  
account.

991. SEC. 14. All fees or compensation for official services which, under this Act, are required to be paid into the County Treasury, shall be charged to the Salary Fund of the county, and be applied to the payment of the salaries and per diem of the officers mentioned in the foregoing sections of this Act. The said officers shall perform all services required of them by law for county purposes without fee or compensation other than that hereinbefore provided in this Act.

Fees paid  
in, how  
applied.

992. SEC. 15. All moneys paid to the Treasurer of Sierra County, under and by virtue of this Act, shall constitute the Salary Fund, out of which all the salaries and per diem in this Act allowed shall be paid by the Treasurer; *provided*, that if at any time there shall not be money enough in the Salary Fund to make the payments required by this Act, then the Treasurer shall transfer from the General Fund to the Salary Fund so much money as may be necessary to make such payment; *provided*, that the Treasurer shall, at the end of each fiscal year, transfer to the General Fund all moneys remaining in the Salary Fund.

Same.

993. SEC. 16. The County Treasurer shall, from and after the passage of this Act, in the statement of the condition of the treasury he is now required by

Receipts  
and dis-  
bursements

law to make monthly, set out the receipts and disbursements of the Salary Fund.

Penalty for  
neglect.

994. SEC. 17. For a willful neglect or refusal to comply with the provisions of this Act, or any one of them, any officer or officers herein named shall, on conviction, be subject to a fine not exceeding five thousand dollars, and a forfeiture of their office or offices, or to imprisonment in the State Prison not less than one year nor more than two years, or to one or more of said penalties, in the discretion of the Court; *provided*, that nothing in this Act shall release them from giving any bond required of them by law, or from any civil responsibility to any and all persons, in relation to the business of their said office or offices, that may be by law applicable to their several official duties.

Salaries  
to be paid  
monthly.

995. SEC. 18. The salaries provided in this Act for the Sheriff, County Clerk, County Treasurer, County Judge, District Attorney, and Superintendent of Schools, shall be payable in equal monthly installments, and the County Auditor shall, on the first Monday of April, eighteen hundred and seventy, and on the first Monday of each month thereafter, draw his warrant upon the County Treasurer in favor of the respective officers, for the amount of salary due; *provided*, that such officers shall have complied in every respect with the provisions of this Act; and, *provided further*, that nothing herein contained shall be construed to interfere with the discretionary power granted to the Board of Supervisors in section twelve of this Act. The County Auditor shall draw his warrant upon the Treasurer in favor of the County Assessor, and of each member of the Board of Supervisors, for the amount of compensation due, whenever such amount shall have been audited and allowed by the Board of Supervisors.

996. SEC. 19. None of the officers mentioned in this Act shall receive any other compensation whatever, than that herein provided, for any services that are now or may hereafter be required of them in their respective offices.

No other  
compen-  
sation.

997. SEC. 20. Every officer mentioned in this Act who is entitled by law to receive any fees, commissions, or percentage, for official services, shall collect and safely keep all such fees, commissions, and percentage, and pay the same, except such as he is herein expressly allowed to retain for his own use, upon the first Monday of each month, into the County Treasury, and the same shall become a part of the Salary Fund; and any compensation made by the revenue or other laws of the State, out of the State Treasury or Funds, to the Assessor, Auditor, Treasurer, or Collector, shall hereafter be retained in, or paid into the County Treasury as a part of the Salary Fund, except the mileage allowed by the State to the County Treasurer, which he shall be entitled to retain for his own use.

Monthly  
returns  
of moneys  
received.

998. SEC. 21. An Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra, approved April ninth, eighteen hundred and sixty-two; and an Act entitled an Act to further regulate the collection of taxes in Sierra County, approved March thirty-first, eighteen hundred and sixty-six; and all other Acts and parts of Acts, so far as the same are in conflict with the provisions of this Act, so far as the same apply to the County of Sierra, are hereby repealed.

Repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

*An Act to regulate certain fees in Sierra County.*

[Approved March 17, 1866, p. 272.]

[Enacting clause.]

Fees and  
mileage.

999. SECTION 1. In all cases where, by existing laws, the Sheriff or Constables of said county are entitled to charge and receive mileage from said county, such mileage shall hereafter be charged at the rate only of thirty cents per mile when the services arise out of any civil suit or proceeding, and at the rate only of fifteen cents per mile, when the services arise out of any criminal action or proceeding, the distance in each and all cases to be computed as now provided by law.

For taking insane persons to asylum at Stockton, the Sheriff shall be allowed the sum of one hundred and twenty-five dollars.

For keeping clean and taking care of Court and jury rooms, two hundred dollars per annum, payable quarterly.

For making each arrest in a criminal action or proceeding, a Constable shall be allowed to charge and receive the sum of two dollars.

Same.

1000. SEC. 2. The Coroner of said county shall receive for all services in summoning jury of inquest, six dollars.

For issuing warrant of arrest, fifty cents.

Issuing subpoena for each witness, twenty cents.

For each mile necessarily traveled in going to place of dead body, thirty cents.

For swearing each witness, fifteen cents.

For taking down testimony, twenty-five cents per folio.

For all services rendered when acting as Sheriff, the same fees allowed Sheriff for like services, to be paid in same manner as Sheriff would be paid if the ser-

vices had been rendered by him, but to be retained by Coroner to his own use.

1001. SEC. 3. Jurors shall be paid for each day in civil cases by the party in whose favor the verdict was rendered, before the same shall be entered; but the same may be recovered as costs from the party losing the case, three dollars; *provided*, that in the District Court and County Court the Clerk shall keep an account of the number of days each juror has been in attendance for which he received no pay, and shall certify the same to the County Auditor, who shall draw his warrant on the Contingent Fund of the county in favor of each juror for the sum of two dollars for each day of such attendance. If in any trial in a civil case before any Court the jury from any cause be discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment. Until they are paid no further proceedings shall be allowed in the action.

Jurors' fees.

1002. SEC. 4. All fees and compensation regulated by this Act (except as otherwise herein provided), and all such fees of Justices of the Peace in said county as are now provided by law to be paid by the county, shall be paid out of the Contingent Fund of said county.

Same.

SEC. 5. All laws and parts of laws which conflict with the provisions of this Act, so far as they apply to Sierra County, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

The amendatory Act in relation to officers of Sierra County, approved February 28th, 1866, p. 132, was superseded by the above Act.

## FEES IN SISKIYOU COUNTY.

*An Act to regulate fees of office and salaries of officers in Siskiyou County.*

[Approved March 12, 1870, p. 249.]

[Enacting clause.]

Fees in  
Siskiyou  
County.

In coin.

Natur-  
alization  
papers.

Clerk of  
District  
Court.

1003. SECTION 1. Fees and salaries shall be allowed to the officers of Siskiyou County hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand, and receive the same, to be applied as hereinafter provided, in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be paid in gold and silver coin.

1004. SEC. 2. No fees or other compensation shall be charged or received for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof.

## FEES OF CLERK OF THE DISTRICT COURT.

1005. SEC. 3. At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment, and from the defendant, three dollars, to cover costs for the same time. If in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination



of the action, shall be returned by the Clerk to the party who advanced them, on demand.

1006. SEC. 4. The Clerk of the District Court Same. shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for each folio, twenty-five cents.

For issuing every writ or process under seal, fifty cents.

For issuing each subpoena for one or more witnesses, twenty-five cents.

For filing each paper, fifteen cents.

For entering every motion or order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every juror to try cause, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twenty-five cents.

For making up and filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction or credit on judgment docket, fifty cents.

For administering every oath or affirmation, and certifying the same, twenty-five cents.

For copy of any proceeding, record, or paper, per folio, twenty cents.

For every certificate under seal, fifty cents.

For issuing every commission to take testimony, fifty cents.

Same.

For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty cents.

For issuing every execution, or other final process, under seal, fifty cents.

For copy of every decree or order of sale of mortgaged property, for each folio, twenty cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking and approving each undertaking or bond, and for taking justification thereto, fifty cents.

For taking testimony on justification to undertaking or bond, for each folio, twenty cents.

For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing each suit in the general index of the Court, as required by law, fifty cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars.

For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents.

For searching records or files of each year, except for suitors or their attorneys, fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, five dollars; he shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court, all which criminal business shall be a charge against the county.

#### FEES OF CLERK OF COUNTY COURT.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, where the charge is misdemeanor, three dollars; and where the charge is felony, five dollars.

Clerk of  
County  
Court.

He shall receive no other fees in a criminal case, except for copies of papers, per folio, twenty cents; and for taking down testimony during a trial, when ordered by the Court, for each folio, twenty cents; all of which criminal business shall be a charge upon and paid for by the county.

For all other services, he shall receive the same fees as are allowed the Clerk of the District Court for like services.

#### FEES OF CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents.

Clerk of  
Probate  
Court.

For writing and posting each notice required, twenty-five cents.

For each notice of publication, in addition to the cost of publication, twenty-five cents.

For recording wills or other papers required by law to be recorded, for each folio, twenty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

No fees shall be allowed the Probate Judge.

#### FEES OF COUNTY CLERK.

For issuing each marriage license, one half to be paid to the County Recorder, two dollars.

County  
Clerk.

For recording official bonds and other papers required by law to be recorded, for each folio, twenty cents.

For indexing same, twenty-five cents.

For recording the testimony and commitment upon examination of insane persons, when it is ascertained

by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty cents.

For filing and indexing all papers to be kept by him, and not required to be recorded, twenty-five cents.

For issuing any license required by law, one dollar.

For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

For services under the Registry Act, the fees in said Act provided.

#### FEES OF COUNTY RECORDER.

For recording every instrument, paper, or notice, for each folio, twenty cents.

For indexing every instrument, paper, or notice, twenty-five cents.

For copies of any record, or paper, per folio, twenty cents.

For filing every instrument for record, and making the necessary entries thereon, twenty-five cents.

For each certificate under seal, fifty cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, fifty cents.

For searching records or files in his office for each year, when required, fifty cents.

For abstract of title, for each conveyance or incumbrance certified, fifty cents.

For recording every plat or map, for each course, ten cents.

For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars.

For taking acknowledgments, including seal, for the

first signature, fifty cents; for each additional signature, twenty-five cents. Same.

For recording marriage licenses and certificates, to be paid by the Clerk, one dollar.

For recording transcript, and for all other services in estray cases, one dollar.

For recording each mark or brand, seventy-five cents.

For administering oath or affirmation, twenty-five cents.

For certifying same, twenty-five cents.

For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents.

For all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

#### SALARY OF COUNTY CLERK.

1007. SEC. 5. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of Boards of Supervisors, Equalization, and Canvassers, and to include the pay of deputies and clerk hire, shall receive the fees, commissions, percentages, and salaries provided in this Act, to the amount of three thousand dollars per annum; *provided*, that if in any year said fees, commissions, percentages, and salaries allowed by this Act to said County Clerk as ex officio Recorder, Auditor, Clerk of the Boards of Supervisors, Equalization, and Canvassers, shall exceed three thousand dollars, said Clerk shall pay the surplus over three thousand dollars to the County Treasurer, for the use of the County General Fund.

Salary of  
County  
Clerk.

#### FEES OF SHERIFF.

1008. SEC. 6. In the County of Siskiyou, the Sheriff shall receive the fees hereinafter specified:

For serving a summons and complaint, or any other

Sheriff.

process by which an action or proceeding is commenced, on each defendant, one dollar.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, two dollars.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars.

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court shall order; *provided*, that not more than three dollars per diem shall be allowed to a keeper.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copying any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule, or order, one dollar.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, three dollars.

For serving a subpoena, for each witness summoned, fifty cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of per-

sonal property, writ of possession or restitution, to *Same*. hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant points to complete such service; for each mile necessarily traveled in going only, thirty cents.

For commissions for receiving and paying over money on execution, or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one and one half per cent.

For commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first thousand dollars, one and one half per cent, and one per cent on all over that sum. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a Grand Jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars.

Same.

For summoning each additional juror, twenty-five cents.

For executing every sentence of death, forty dollars.

For all civil services arising in Justices' Courts, the same fees as are allowed to Constables for like services.

For every mile necessarily traveled in executing any writ in any criminal case, twenty cents.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat to the prison; and for each additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents, one way, for the distance established by law from the county seat to the asylum; and for every additional insane person taken at the same time, twenty-five cents per mile.

For conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

Same.

1009. SEC. 7. The Sheriff shall be ex officio Tax Collector of property taxes, business licenses, and foreign miners' licenses. The Sheriff, as ex officio Tax Collector of the taxes herein specified, shall execute a bond in the same amount and conditioned the same as required by law for County Tax Collectors, said bond to be in addition to the bond he is required to execute as Sheriff.

Same.

1010. SEC. 8. The mileage allowed by this Act, to the Sheriff, and the percentage allowed by law for the collection of foreign miners' licenses, shall belong to and be collected and retained by him for his own use and benefit. In addition to said mileage and percentage, he shall receive, to include the pay of deputies and Jailer, the fees, commissions, and percentage provided in this Act for his services as Sheriff, and the percentage herein allowed for the collection of prop-



erty taxes and business licenses, to the amount, in the Same. aggregate, of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector. And any excess over thirty-eight hundred dollars which he may receive in any one year from said fees, commissions, and percentage allowed him by this Act to collect for his services as Sheriff, and the percentage allowed him as ex officio Tax Collector, for collecting property taxes and business licenses, he shall pay over to the County Treasurer, for the use and benefit of the County General Fund.

FEES OF TAX COLLECTOR.

1011. SEC. 9. The Tax Collector of the County of Siskiyou shall receive fifteen per cent of the amount collected on State poll tax receipts; twenty per cent upon the amount collected from foreign miners' licenses; and for the collection of State and county taxes, except taxes for school purposes, he shall receive six per cent on the first ten thousand dollars collected; four per cent on all over ten thousand and under twenty thousand dollars; and two per cent on all over twenty thousand dollars. The said Tax Collector shall also receive one dollar for each business license sold—one half of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes; there shall be allowed by the State, to the county, ten per centum on all moneys payable into the State Treasury, derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses.

CLERK OF THE BOARD OF SUPERVISORS.

1012. SEC. 10. In the County of Siskiyou, the Clerk of the Board of Supervisors, Board of Equaliza-

Tax  
Collector.

Clerk of  
Board of  
Supervisors

tion, and Board of Canvassers, shall receive a salary of three hundred dollars per annum. In addition to the above salary, said Clerk shall be allowed to demand and receive, for issuing each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents.

Compensation for Auditor and Assessor.

1013. SEC. 11. There shall be allowed by the State to the County of Siskiyou, in lieu of allowances for salaries and fees authorized by law to be made by the State to the Assessors and Auditors of the several counties, and for all services for copying assessment rolls and extending the totals of taxes thereon, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property, and paid into the State Treasury during any fiscal year.

FOR AUDITOR'S COMPENSATION.

On the first ten thousand dollars, two per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, one and one half per centum; on all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum; on all sums over fifty thousand dollars, one fourth of one per centum.

FOR ASSESSOR'S COMPENSATION.

On the first ten thousand dollars, four per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, three per centum; on all sums over twenty thousand dollars and less than thirty thousand dollars, two per centum; on all sums over thirty thousand dollars and less than fifty thousand dollars, one and one half per centum; on all sums over fifty thousand dollars, one per centum.

The Controller of State is hereby authorized and required, to make the allowance as herein specified, at

any settlement of the County Treasurer with the State; and *provided*, the said Controller shall withhold the allowances for services of Auditor until said Auditor shall have made such reports to said Controller as he is by law required to make.

• COUNTY AUDITOR.

1014. SEC. 12. The County Auditor shall receive, County Auditor. as full compensation for all services required to be performed by him by law as County Auditor, the following amounts or percentage on all moneys which shall be paid into the treasury during any fiscal year: On the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one half per centum; on all sums over forty thousand dollars and less than sixty thousand dollars, one per centum; and on all sums over sixty thousand dollars, one half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the County Treasury for school purposes.

The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly; and the County Treasurer is hereby authorized to apply the amounts allowed by the State for Auditors compensation, to the payment of such allowances.

COUNTY TREASURER.

1015. SEC. 13. In the County of Siskiyou the County Treasurer. County Treasurer shall receive a salary of eight hundred dollars per annum, which shall be in full compensation for all services required of him by law; *provided*, that he shall be allowed to retain, for his own use and benefit, the mileage allowed by law to the County Treasurers for traveling to and from the seat of government to make their quarterly or semi-

annual settlement with the Controller and Treasurer of State.

## COUNTY ASSESSOR.

County  
Assessor

1016. SEC. 14. In the County of Siskiyou the County Assessor shall receive a salary of fifteen hundred dollars per annum; *provided*, that he shall be ex officio collector of State poll taxes and hospital poll taxes, and shall be allowed, as compensation for his services in collecting said taxes, in addition to the salary above provided for him as Assessor, the percentage allowed by law for collecting the same; *provided*, that the Assessor who shall be elected at the general election, in the year one thousand eight hundred and seventy-one, and the Assessor who shall be elected at the general election every second year thereafter, shall be ex officio collector of taxes on movable personal property belonging to any person, firm, corporation, association, or company who does not own real estate in the county, all State poll taxes, all hospital poll taxes, and all poll taxes whatever, except road poll taxes; and he shall receive, as his compensation for collecting said taxes, in addition to the salary allowed him as Assessor, the percentage allowed by law for collecting the same; *provided*, that the Sheriff elected at the general election in the year one thousand eight hundred and seventy-one, and his successors in office, shall not be ex officio collector of taxes on movable personal property belonging to any person, firm, corporation, association, or company who does not own any real estate in the county. The County Treasurer is hereby authorized and directed to apply the amounts allowed by the State for Assessor's compensation.

Same.

1017. SEC. 15. The Board of Supervisors are hereby empowered to require of the County Assessor, as ex officio collector of the taxes above specified, a

bond, in such sum as they shall deem necessary, conditioned for the faithful performance of his duty as ex officio collector of said taxes herein specified; said bond to be in addition to the bond he is required to give as Assessor.

## DISTRICT ATTORNEY.

1018. SEC. 16. In the County of Siskiyou, the District Attorney shall receive for his services, to be paid quarterly out of the County General Fund, a salary of twelve hundred dollars per annum. District Attorney.

In addition to the salary herein provided for, said District Attorney shall be entitled to charge and receive ten per centum on all forfeited bonds and recognizances collected by him.

For services rendered by him in the collection of delinquent taxes, ten per centum on the amount recovered to be added thereto, if paid before judgment; and if not so paid, then fifteen per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county, other than delinquent taxes, bonds, or recognizances, eight per centum on the amount collected; *provided*, that the compensation in any one case shall not exceed five hundred dollars.

For every conviction had under the Act to prohibit gaming, and the Act to prohibit lotteries, raffles, gift enterprises, and other schemes, to be collected from the party or parties offending or convicted, fifty dollars.

For each conviction of felony, where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars; and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be

assessed against the defendant, and shall not become a county charge; *provided*, however, said fee shall become a charge on the County General Fund in case of the inability of the defendant to pay the same.

Should the fees, commissions, and percentage received in any one year by the District Attorney, added to his salary herein provided for, exceed the sum of two thousand dollars, the excess over two thousand dollars shall be paid by him into the County Treasury, and shall constitute a part of the County General Fund.

#### SUPERINTENDENT OF PUBLIC SCHOOLS.

Superintendent of Public Schools.

1019. SEC. 17. In Siskiyou County, the Superintendent of Public Schools shall be allowed for his services, twenty dollars per annum for each school district, and all necessary traveling expenses. And he shall be allowed, in addition to his salary, for postage and expressage, a sum equal to one dollar for each school district of the county. Said compensation and allowance for postage and expressage to be paid out of the County General Fund.

#### FEES OF PUBLIC ADMINISTRATOR.

Public Administrator.

1020. SEC. 18. In Siskiyou County, the Public Administrator shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

#### FEES OF CONSTABLES.

Constables.

1021. SEC. 19. For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

For services performed by the several officers under the Act concerning water craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees prescribed in said Act.

FEES OF COUNTY CORONER.

1022. SEC. 20. In the County of Siskiyou the County Coroner shall receive for his services compensation as follows:

For general services, in holding an inquest, ten dollars.

For each witness subpoenaed, fifty cents.

For each mile necessarily traveled, in going to the place of inquest, thirty cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars.

Which fees shall be all that he shall be entitled to charge.

FEES OF COUNTY SURVEYOR.

1023. SEC. 21. In the County of Siskiyou the County Surveyor shall receive the following fees:

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars.

For each mile run with compass alone, one dollar and fifty cents.

For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents.

For each mile run with compass alone, one dollar.

For each lot laid out and platted, in any city or town, one dollar.

For recording a survey, seventy-five cents.

For calculating the quantity of each tract of land,

Same. or any subdivision thereof (town lots excepted), ten cents for each course.

For traveling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of each town lot in an old survey, measuring and marking the same, one dollar.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, one dollar.

For erecting a monument when running a line at a variation or offset, when required, fifty cents.

For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor General, one dollar and one half, to be paid by the party requiring the survey; expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

#### FEES OF JUSTICES OF THE PEACE.

Justices of the Peace. 1024. SEC. 22. In the County of Siskiyou, Justices of the Peace shall receive fees as follows:

For filing each paper, twenty-five cents.

For issuing any writ or process by which suit is commenced, fifty cents.

For entering each cause on his docket, fifty cents.

For issuing subpœna, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.



For issuing writ of attachment or of arrest, or for Same. the delivery of property, fifty cents.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For taking or approving any bond or undertaking, directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty cents.

For entering satisfaction of a judgment, fifty cents.

For copy of a judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents.

For issuing commission to take testimony, fifty cents.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For issuing search warrant, fifty cents.

For issuing an execution, fifty cents.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars. ●

For taking bail after commitment in criminal cases, one dollar.

For entering cause, without process, one dollar.

For entering judgment by confession, and only on affidavit as required in District Courts, three dollars.

For entering every motion, rule, exception, order, or default, twenty-five cents.

For transcript of judgment, per folio, twenty cents.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For all services connected with the posting of es-

Same. trays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justices of the Peace shall receive the same fees as are allowed the Coroner for similar services.

#### SUPERVISORS.

Supervisors 1025. SEC. 23. In the County of Siskiyou, each member of the Board of Supervisors shall receive a salary of two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile, in traveling from his residence to the county seat and returning home from the same; *provided*, that but one mileage shall be charged for each term of the Board; said salary and mileage to be paid quarterly out of the County General Fund.

#### FEES OF JURORS.

Fees of  
jurors.

1026. SEC. 24. In the County of Siskiyou, Grand and trial jurors shall receive three dollars per day for attendance upon a Court of record, and thirty cents per mile for traveling from their residence to the place of trial. No juror who shall be excused from attendance, upon his own motion, on the first day of his appearance in obedience to the venire, shall receive per

diem, but mileage only. In civil cases the party in whose favor verdict is rendered, before the same shall be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to three dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County General Fund, as other county dues are paid. If in any trial in a civil case the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs, if he afterwards obtain judgment; and until they are paid, no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive three dollars per day, but no mileage, to be taxed against the party losing the suit.

FEEES OF COURT COMMISSIONERS.

1027. SEC. 25. In the County of Siskiyou Court Commissioners shall be entitled to charge and receive for their services the following fees:

Court Com-  
missioners.

For hearing and determining every *ex parte* motion for any order or writ, three dollars.

For hearing and determining such contested motions or issues of law or fact as may be referred to them; or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars.

For every day spent in the business of the reference in such cases, for examining into the qualifications of

Same.

sureties on bonds or undertakings, when an exception has been taken to their sufficiency, five dollars.

For taking and certifying every affidavit, and for the approval of every bond or undertaking, fifty cents.

For taking and certifying depositions, twenty-five cents per folio.

For every delinquent tax case referred to the Commissioner, for all the services performed by him, three dollars.

Said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner; or if referred by the Court, without motion from either party; or if by consent thereby, the plaintiff, and the fees so fixed to be taxed, with the costs, against the losing party.

Such Court Commissioner shall have the right to demand his fees, as aforesaid, at the time the services are performed, and may retain any and all papers, in cases where such fees have not been paid, until the same are paid.

#### COUNTY JUDGE.

County  
Judge.

1028. SEC. 26. In Siskiyou County the County Judge shall receive a salary of fifteen hundred dollars per annum; *provided*, that the provisions of an Act entitled an Act to fix the salaries of judicial officers and provide for the payment of the same, approved April twenty-seventh, one thousand eight hundred and sixty-three, so far as they relate to the salary of the County Judge of Siskiyou County, shall remain in force till the first day of January, one thousand eight hundred and seventy-two.

#### WITNESS FEES.

1029. SEC. 27. In the County of Siskiyou witnesses shall receive fees as follows:

For attending in any civil suit or proceeding before

any Court of record, referee, Commissioner, or Justice of the Peace, for each day, three dollars. Witness fees.

For traveling to the place of trial, for each mile, thirty cents.

In case of impeachment and contested elections, for traveling to the place of trial, twenty cents per mile.

No person shall be obliged to attend or testify in a civil action, unless his fees shall have been tendered, or he shall not have demanded the same.

No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a Grand Jury or a Court of record, as a witness on behalf of the people, upon a subpoena, or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

#### FEES OF JUDGES AND CLERKS OF ELECTIONS.

1030. SEC. 28. Judges and Clerks of Election shall be allowed three dollars per day each for the time they are necessarily employed in the discharge of the duties imposed on them; *provided*, that Judges of Elections shall not be allowed for more than five days service in any one year; *provided*, that the Board of Supervisors shall allow Clerks of Elections for as many days service as it shall appear that they were actually employed in discharging the duties by law imposed on them. Judges and Clerks of Elections.

## FEES OF INTERPRETERS AND TRANSLATORS.

Interpre-  
ters and  
translators.

1031. SEC. 29. Interpreters and translators shall receive such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed four dollars per day.

Laws  
reënacted.

1032. SEC. 30. Sections thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, and fifty of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, one thousand eight hundred and seventy, are hereby re-enacted and made part of this Act.

Repealed.

1033. SEC. 31. An Act entitled an Act to regulate fees of office, approved March twenty-eighth, one thousand eight hundred and sixty-eight, and an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same are in conflict with the provisions of this Act, are hereby repealed in their application to the County of Siskiyou, and all other Acts and parts of Acts in conflict with this Act are repealed, so far as the same apply to the County of Siskiyou.

SEC. 32. This Act shall take effect and be in force from and after its passage.

The Act in relation to Treasurer, Assessor, and Tax Collector, approved March thirty-first, eighteen hundred and sixty-six, and the Act in relation to fees of office in Siskiyou County, approved April second, eighteen hundred and sixty-six, p. 694, were superseded by the foregoing Acts.

## COSTS IN CRIMINAL ACTIONS REMOVED FROM ONE COUNTY TO ANOTHER.

*An Act concerning the costs of criminal actions removed  
before trial.*

[Passed April 29, 1851, p. 185.]

[Enacting clause.]

1033†. SECTION 1. In every case where a criminal action may have been or shall be removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment was or may be found.

SEC. 2. The Clerk of the county to which such action is or may be removed, shall certify the amount of said costs to the Auditor of his county, who shall audit the same, and issue his draft therefor upon the Treasurer of the county from which such action was or may be removed.

### 1034.

The following are the Acts which have been passed relating to the subject of fees. The Acts are superseded by those given above. Reference  
to other  
Acts.

The Acts relating to fees and salaries will be found as follows:

Stats. 1850, p. 416; 1851, p. 35; 1853, p. 267; 1855, pp. 81, 212; 1856, pp. 70, 57, 97, 83; 1857, pp. 185, 281, 273; 1858, pp. 39, 263, 311, 121, 16, 231; 1859, pp. 362, 8, 285, 159, 304, 57, 220, 51; 1860, pp. 349, 235, 290, 20; 1861, pp. 510, 579, 116, 361, 103, 477, 584; 1862, pp. 436, 481, 110, 174, 277, 499, 508; 1863, pp. 503, 188, 488, 261, 710, 281, 190, 264, 544, 740, 666; 1863-4, pp. 182, 135, 263, 438, 219, 365, 277.

These Acts above given are in some instances modified by the laws passed by the Legislature of 1871-2. Consult the following Acts:

An Act in relation to the fees of District Attorneys in the Counties of Butte, Inyo, Placer, and Nevada, passed March 30th, 1872, p. 799.

An Act to provide for the payment of fees for persons subpoenaed, either as witnesses or jurors, in the County of Butte, passed March 4th, 1872, p. 233.

An Act to regulate the traveling fees of the Sheriff of the County of Kern, passed February 21st, 1872, p. 141.

An Act to regulate the pay of Grand Jurors in the County of Los Angeles, passed January 26th, 1872, p. 37.

Reference  
to other  
Acts.

Sec. 3 of an Act passed January 8th, 1872, p. 17, fixes the fees of the office of County Recorder for the County of Mendocino.

An Act concerning the fees of office of the Sheriff of Monterey, approved March 16th, 1872, p. 419.

An Act amending an Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada, approved March 6th, 1870, was passed April 1st, 1872, p. 843, by which County Assessors receive a salary of two thousand dollars per annum. They are allowed two deputies, who each receive from the county six dollars per day for each day actually employed during, etc., not to exceed six hundred dollars.

The Sheriff receives a salary of three thousand dollars per annum, and to his own use the mileage allowed by law. He is allowed an Under Sheriff, with a salary of fifteen hundred dollars, and a Jailer, with a salary of one thousand dollars per annum. He is also allowed one deputy, when the Board of Supervisors deem it necessary, at a salary of fifteen hundred dollars, for the time the Board by order directs.

The County Clerk receives a salary of two thousand seven hundred dollars per annum, and is allowed one deputy, at twelve hundred dollars per annum.

The County Recorder receives a salary of two thousand dollars per annum, with one deputy, in the discretion of the Board of Supervisors, at twelve hundred dollars.

The Collector receives five hundred dollars, and the fees allowed by law.

An Act to fix the compensation of District Attorney of the County of Sacramento, passed April 1st, 1872, p. 863.

An Act to regulate fees of office and salaries of officers in San Bernardino County, was passed March 23d, 1872, p. 490.

An Act to regulate the fees of the Assistant City and County Attorney of the City and County of San Francisco, passed February 1st, 1872, p. 46.

Fees of Justices of the Peace in the County of San Francisco are regulated by an Act approved February 13th, 1872, p. 93.

The Political Code also regulates the salaries of all State, and also certain county officers.

The Political Code, Sec. 19, continues in force "all Acts allowing county, or city and county officers, to appoint deputies, clerks, and subordinate officers, in so far as such Acts authorize the appointment and fix the compensation of such deputies, clerks, and subordinate officers."

The Political Code, Secs. 4328 to 4333, inclusive, continue "all Acts fixing salaries and fees of county officers," in force, notwithstanding the provisions of the Code. These sections also enumerate the salaries of the County Judges and District Attorneys.



## CHAPTER LXIX.

## FENCES.

- SECTION 1035. Lawful fence defined, as to certain counties.
1036. Trespasses by animals on grounds inclosed by lawful fence.
1037. Penalty for injuring animals entering on lands not lawfully inclosed.
1038. Lawful fences as to certain other counties—wire fence, post and rail fence, picket fence, ditch and pole fence, pole fence, hedge fence, brush fence.
1039. Other fences as strong.
1040. Lawful fences in certain other counties—post and rail, worm, post and slat, paling, ditch.
1041. Other lawful fences.
1042. Using another's fence for inclosure; proviso.
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1053. Lawful fences in Contra Costa County.
1054. Trespasses by animals.
1055. Partition fences; lien to attach; to take effect.
1056. Lawful fences in certain other counties.
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1058. Partition fences.
1059. May collect cost.
1060. On the line.
1061. In repair.
1062. Under one inclosure; repealing clause.
1063. Yuba County.
1064. Partition fences in Tuolumne County, regulation of.
1065. Partition fence.
1066. Line of.
1067. Repairs of.
1068. Applies to Tuolumne County; took effect on passage.

FENCES IN AMADOR, SAN DIEGO, SANTA BARBARA, TRINITY, KLAMATH, AND SISKIYOU COUNTIES.

*An Act concerning lawful fences, and animals trespassing on premises lawfully inclosed.*

[Passed March 30, 1850, p. 131.]

[Enacting clause.]

Lawful  
fence  
defined as  
to certain  
counties.

1035. SECTION 1. Every inclosure shall be deemed a lawful fence which is four and a half feet high, if made of stone; and if made of rails, five and a half feet high; if made upon the embankment of a ditch three feet high from the bottom of the ditch, the fence shall be two feet high; said fence to be substantial and reasonably strong, and made so close that stock cannot get their heads through it, and if made to turn small stock, sufficiently tight to keep such stock out. A hedge fence shall be considered a lawful fence if five feet high and sufficiently close to turn stock.

Trespasses  
by animals  
on grounds  
inclosed by  
lawful  
fence.

1036. SEC. 2. If any horses, mules, jacks, jennies, hogs, sheep, goats, or any head of neat cattle shall break into any grounds inclosed by a lawful fence, the owner or manager of such animals shall be liable to the owner of said inclosed premises for all damages sustained by such trespass; and if the trespass is repeated by neglect of the owner of such stock, he shall, for the second offense, be subject to double the damages sustained by the owners of said premises.

Penalty for  
injuring  
animals  
entering on  
lands not  
lawfully  
inclosed.

1037. SEC. 3. If any owner or occupier of any grounds or crops injured by any animal or animals breaking into or entering on grounds not inclosed by a lawful fence, shall kill, maim, or materially hurt or injure any animal doing such injury, he shall be liable

to the owner for all damages, and also all costs that may accrue in a suit for such damages.

The foregoing Act was the general law on the subject until the Act of April 27th, 1855, p. 154, which repealed it as to all the counties of the State, except Butte, Amador, Tuolumne, Calaveras, San Diego, Nevada, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou. Subsequently the Act of April 27th, 1855, was so amended as to itself cover Butte, Calaveras, and Nevada Counties. Other Acts were passed as to Contra Costa, San Bernardino, Colusa, Shasta, Tehama, Placer, Yuba, and Tuolumne Counties, as will be seen further along.

### FENCES IN GENERAL.

Not applicable to Amador, Tuolumne, San Diego, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou Counties.

#### *An Act concerning lawful fences.*

[Approved April 27, 1855, p. 154.]

[Enacting clause.]

1038. SECTION 1. Lawful fences are described as follows, viz:

Lawful  
fences as  
to certain  
other  
counties.

First—Wire fence shall be made of post, not less than twelve inches in circumference, set in the ground not less than eighteen inches, and not more than eight feet apart, with not less than three horizontal wires, each one fourth of an inch in diameter; the first one shall be eighteen inches from the ground, the other two above this one, at intervals of one foot between each, all well stretched and securely fastened from one post to another, with one rail, slat, pole, or plank, of suitable size and strength, securely fastened to the post not less than four and a half feet from the ground.

Wire fence.

Second—Post and rail fence shall be made of post of the same size, and at the same distance apart, and the same depth in the ground as above, with three

Post and  
rail fence.

rails, slats, or planks, of suitable size and strength, the top one to be four feet and a half from the ground, the other two at equal distances between the first, and the ground all securely fastened to the post.

Picket  
fence.

Third—Picket fence shall be the same height as above, made of pickets, each not less than six inches in circumference, nor more than six inches apart, driven in the ground not less than ten inches; all well secured at the top by slats or caps.

Ditch and  
pole fence.

Fourth—Ditch and pole fence shall be made of a ditch not less than four feet wide on top and three feet deep; embankment thrown up on the inside of the ditch, with substantial posts set in the embankment, not more than eight feet apart, and a plank, pole, rail, or slat securely fastened to said post, at least five feet high from the bottom of the ditch.

Pole fence.

Fifth—Pole fence shall be four and a half feet high, with stakes not less than three inches in diameter, set in the ground not less than eighteen inches, and where the stakes are placed, seven feet apart; there shall be not less than six horizontal poles well secured to the stakes; if the stakes are six feet apart, five poles; if three or four feet, four poles; if two feet apart, three poles, and the stakes need not be less than two inches in diameter; if one foot apart, one pole, and stakes need not be more than two inches in diameter. The above is a lawful fence so long as the stakes and poles are securely fastened and in a fair state of preservation. Hedge fence shall be considered lawful when, by reliable evidence, it shall be proved equal in strength and as well suited to the protection of inclosed lands as any one of the fences described in other subdivisions of this section.

Hedge  
fence.

Brush  
fence.

Sixth—Brush fence shall be four and a half feet high, and at least twelve inches wide, with stakes not less than two inches in diameter, set in the ground not less than eighteen inches, one on each side, every

third foot tied together at the top, with one horizontal pole tied to the outside stake five feet from the ground.

1039. SEC. 2. Any fence which, by reliable evidence, shall be declared as strong, substantial, and, as well suited to the protection of inclosures as either of the above described, shall be a lawful fence in all the counties of this State, except Sonoma, Napa, El Dorado, Yuba, and Marin. (Amendment approved May 13th, 1861, p. 513.)

Other  
fences  
as strong.

1040. SEC. 3. In each of the counties named in the preceding section of this Act, the following described shall be a lawful fence, viz:

Lawful  
fences in  
certain  
other  
counties.  
Post and  
rail, worm,  
post and  
slat, paling,  
ditch.

First—Post and rail fence shall be made of post not less than four by six inches, set in the ground not less than two feet, with rails not less than three inches thick, placed not more than five inches apart, for the first three feet, and after that not more than eight inches apart, the fence to be not less than five feet high.

Second—Worm fence shall be five feet high, with additional stakes and riders, no greater space to intervene between the rails than in a post and rail fence.

Third—Post and slat fence shall be of the same height, and with the same space between the slats as above, in this section; the post shall not be less than twelve inches in circumference, and not less than two feet in the ground, the slats to be not less than one and a half inches thick, all well fastened to the post with twelvepenny nails.

Fourth—Paling fence shall be of the same height, and the post of the same size, and set in the ground the same depth, as in a post and rail fence, with post not more than ten feet apart.

Fifth—Ditch fence shall be four feet wide at the top, and three feet deep, with post set in the embankment not over seven feet apart, with three slats not

less than four inches wide, and one and a half inches thick, all securely fastened to the post. Or:

Other  
lawful  
fences.

1041. SEC. 4. Any fence which, by reliable evidence, shall be declared as strong, substantial, and as well calculated to protect inclosures as either of those described in the third section of this Act, shall be a lawful fence in each of the counties named in the second section of this Act.

Using  
another's  
fence for  
inclosure.

1042. SEC. 5. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make, or cause to be made, an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected, one half the value of so much thereof as serves as a partition fence between them; *provided*, if the party so inclosing shall neglect or refuse to pay for the one half of such fence, the land so inclosed shall become liable therefor, and the value of the one half of such fence shall become and remain a lien upon such land; and shall draw interest at the rate of fifteen per cent per annum until paid. Notice of such lien shall be filed in the office of the County Recorder of the county, as provided by law for mechanics' liens. The value of the fence at the time such inclosure was made, shall be the amount, with interest thereon, to which the builder of the fence shall be entitled. (Amendment approved April 3d, 1860, p. 141.)

Proviso.

Partition  
fence.

1043. SEC. 6. When two or more persons own land adjoining which is inclosed by one fence, and it becomes necessary for the protection of the rights and interests of one party, that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect or cause to be erected, one half of such partition fence; said fence to

be erected on, or as near as practicable, the line of said land; and if, after six months' notice given, either party shall persist in refusing to erect, or cause to be erected, one half of such fence, the party giving the notice may proceed to erect or cause to be erected, the entire partition fence, and collect by law one half of the cost of such fence from the other party, and he shall be entitled to the lien upon the land thus partitioned, as provided in the preceding section. (Amendment approved April 3d, 1860, p. 141.)

1044. SEC. 7. All partition fences separating adjoining inclosures, shall stand upon the line, and any person or persons when erecting a partition fence, and refusing to place it on the line dividing such lands, or to remove it to such line when erected otherwise than thereon, shall subject himself to one half the cost of its removal and erection in the right place.

Fences on  
the line.

1045. SEC. 8. The respective owners or lessees of lands which now are, or hereafter may be inclosed with fences, shall keep up and maintain in good repair all partition fences between their own and the next adjoining inclosures, in equal shares, so long as both parties continue to occupy or improve the same.

Repair of  
partition  
fences.

1046. SEC. 9. Nothing in this Act shall be so construed as to apply to the Counties of Butte, Amador, Tuolumne, San Diego, Nevada, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou; and said counties are hereby excepted and excluded from the provisions of this Act. (Amendment approved April 4th, 1864, Stats. 1863-4, p. 465.)

Counties  
exempt.

SEC. 10. An Act entitled "An Act concerning lawful fences," etc., passed March thirtieth, eighteen hundred and fifty, is hereby repealed, except as far as the counties exempt from the provisions of this Act are concerned.

*An Act to amend the Act of April twenty-seventh, eighteen hundred and fifty-five.*

[Approved April 9, 1858, p. 123.]

[Enacting clause.]

Marin  
County.

1047. SECTION 1. That so much of the Act of April twenty-seventh, one thousand eight hundred and fifty-five, concerning lawful fences, as excepts the County of Marin from the operation thereof, be and the same is hereby repealed.

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*An Act amendatory of and supplementary to an Act entitled an Act concerning lawful fences.*

[Approved April 3, 1860, p. 141.]

[Enacting clause.]

[Sections 1 and 2 contain the amendments to Secs. 5 and 6, inserted in the foregoing Act of April 27th, 1855.]

Parties to  
maintain  
partition  
fences.

1048. SECTION 3. Except when otherwise agreed, partition fences dividing lands occupied on both sides shall be maintained throughout the year, each party keeping in repair the portion constructed by, adjudged to, or paid for by him. If either party fails so to do, the other may give him three days notice that he will call upon three disinterested householders, at a specified hour on the day fixed, to examine such fence, and, if they deem it insufficient, to assess the amount necessary to make it sufficient.

Failure  
to repair.

1049. SEC. 4. If, within fifteen days thereafter, the party to whom notice has been given shall fail to repair such fence, the complainant may do so; and in that case he shall have cause of action against the



other for the amount so assessed, with twenty-five per cent damages thereon.

1050. SEC. 5. Upon such trial, the defendant may impeach the assessment, and in that case the Court or jury, as the case may be, shall determine the amount of damages. Defendant  
may  
impeach  
assessment.

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*An Act amendatory of and supplementary to the Act of April twenty-seventh, eighteen hundred and fifty-five.*

[Approved May 18, 1861, p. 510.]

[Enacting clause.]

[Section 1 contains the amendment to Sec. 9 of the Act of April 27th, 1855, given in a note to that Act.]

1051. SECTION 2. An Act amendatory of and supplementary to an Act concerning lawful fences, approved April third, eighteen hundred and sixty, is hereby made applicable to the County of Butte. Butte  
County.

SEC. 3. This Act shall be in force from and after its passage.

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*An Act to extend over the County of Nevada the provisions of the Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto.*

[Approved April 1, 1864; Stats. 1863-4, p. 318.]

[Enacting clause.]

1052. SECTION 1. The provisions of an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five, and of the Act amendatory of and supplemental to said Act, approved April third, eighteen hundred and sixty, and the Act amendatory of said Act, approved May eighteenth, eighteen hundred and sixty-one, are hereby Nevada  
County.

extended over, made valid and binding, and declared to be in full force and effect in the County of Nevada; and all provisions contained in said Acts expressly excepting said County of Nevada from the operation of said Acts are hereby repealed, in so far as the same relate to and have effect in said County of Nevada.

### FENCES IN CONTRA COSTA COUNTY.

An Act concerning lawful fences in the County of Contra Costa, approved March 4th, 1857, p. 54, and repealing all conflicting Acts so far as that county was concerned, was repealed by the following Act:

*An Act concerning lawful fences in the County of Contra Costa.*

[Passed March 5, 1858, p. 40.]

[Enacting clause.]

Lawful  
fences in  
Contra  
Costa  
County.

1053. SECTION 1. A fence constructed of posts of reasonable size and strength, firmly set in the ground, not more than twelve feet apart, if a rail or picket fence, and not more than eight feet if a plank fence, the rails or plank of reasonable size and strength, securely fastened to the posts to the height of four and a half feet, and reasonably close; if a picket fence, the pickets of ordinary size and strength, strongly nailed to a rail above and one below, or driven into the ground and nailed to a rail above, reasonably close, and four and a half feet high; if a ditch fence, the ditch to be three and a half feet wide at the top, and three feet deep, the embankment to be on the inside of the inclosure, with a rail, plank, or picket fence on the embankment, to the height of three feet; or any other kind of fence equivalent in height, quality, and strength to the above kinds of fences, are hereby declared lawful fences in said county.

1054. SEC. 2. Any horses, mules, jacks, jennies, cattle, sheep, goats, or hogs, breaking down, through, or over a fence lawful by this Act, the owner of such animal or animals shall be liable for the damages done, and shall pay double damages for any subsequent trespass by such animal or animals. Trespasses  
by animals.

SEC. 3. An Act concerning lawful fences in the County of Contra Costa, approved March fourth, one thousand eight hundred and fifty-seven, is hereby repealed.

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*An Act supplemental to the foregoing Act of March fifth, eighteen hundred and fifty-eight.*

[Approved May 3, 1861, p. 277.]

[Enacting clause.]

1055. SECTION 1. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make an inclosure on the opposite side of such fence, so that such fence may serve to inclose his ground also, he shall pay the owner of the fence erected one half the value of so much as serves as a partition fence. When two or more persons own land adjoining, which is inclosed by one fence, and either desires that a partition fence shall be made between them, he shall notify the party or parties in interest, and each shall build his proportion of the fence; on failure to do so within three months, the party giving notice may build the fence, and collect from the party or parties in default, by law, a just proportion of the cost of the fence, together with costs of suit. Partition fences dividing lands inclosed on both sides, shall be kept in repair by all the parties in interest. If either party fails to repair, after five days notice, the party giving the notice may Partition  
fences.

repair and collect by law a due proportion of the expense of repairs, with costs of suit. A party having built, or paid for, a portion of a partition fence, shall have the right to remove, or exact pay for the same, when such fence shall cease to be a partition fence, by the removal of the outside inclosure.

Lien to  
attach.

SEC. 2. In all cases of claims for the value of partition fences, or for repairs thereon, a lien shall attach on the land, and notice of such lien shall be filed in the County Recorder's office, as provided by law for mechanics' liens; such claim from the time of filing shall draw interest at the rate of fifteen per cent per year.

To take  
effect.

SEC. 3. This Act shall be in force from its passage.

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## FENCES IN SAN BERNARDINO, COLUSA, SHASTA, TEHAMA, PLACER, AND YUBA COUNTIES.

*An Act concerning lawful fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.*

[Approved April 18, 1859, p. 279.]

[Enacting clause.]

Lawful  
fences in  
certain  
other  
counties.

1056. SECTION 1. In the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer, every inclosure shall be deemed a lawful fence which is four and one half feet high, if made of stone, and if it be made of rails, five and one half feet high; if the fence be a post and rail fence, or a picket fence, it shall be constructed of posts of reasonable size and strength, firmly set in the ground, not more than twelve feet apart, and not more than eight feet apart if it be a board fence; the rails, boards, or pickets to be of reasonable size and strength, securely fastened to the posts, to the height of four and a half feet, and reason-

ably close ; if a picket fence, the pickets, also, to be strongly nailed to a rail above and one below, or driven into the ground and nailed to a rail above, reasonably close; if a ditch fence, the ditch to be at least two and a half feet deep, and three feet wide at the top, the embankment to be either on the inside or outside of the inclosure, with a rail, board, or picket fence on the embankment, to the height of three feet, or any other kind of fence equivalent in height, quantity, and strength, to the above kind of fences, are hereby declared lawful fences in said counties.

1057. SEC. 2. If any horse, mule, jack, jenny, hog, sheep, goat, or any head of neat cattle, should break into any ground inclosed by a lawful fence, the owner or manager of such animal shall be liable to the owner of such inclosed premises for all damages sustained by such trespass; and if the trespass be repeated, by neglect of the owner or manager of such animals, he shall, for the second and every subsequent offense or trespass, be subject to double the damages of such trespass, to the owner of said premises; *provided, also*, that the owner of any premises inclosed by a lawful fence may take up and safely keep, at the expense of the owner thereof, any such animal or animals trespassing thereon; and if such animal or animals shall not be applied for by the owner thereof, and such damages be paid, within ten days after such taking up, the same may be posted and disposed of under the estray law of the State; and, before restitution shall be had by the owner of such animal or animals, in any case, all damages done by them, and all expenses of pasturing, keeping, and disposing of them, shall be paid.

Damages.

Double damages.

Proviso.

1058. SEC. 3. When a fence shall have been erected by any person on the line of his land, or that for which he may have a lease for one year or more,

Partition  
fences.

and the person owning the land adjoining thereto, or holding a lease of the same for one or more years, shall make or cause to be made an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected one half of the value of so much thereof as serves as a partition fence between them.

May collect  
cost.

1059. SEC. 4. When two or more persons own land adjoining, which is inclosed by one fence, and it becomes necessary for the protection of the right and interest of one party that a partition fence should be made between them, the other or others, when notified of the fact, shall proceed to erect or cause to be erected one half of such partition fence—such fence to be erected on (or as near as possible) the division line of such land; and if, after notice is given by either party, and a reasonable time has elapsed, and the other party persist in refusing to erect one half of such fence, the party giving such notice may proceed to erect the entire partition fence, and collect, by law, the proportional share of the cost of such fence from the party or parties so refusing to build his or their respective portions thereof.

On the line.

1060. SEC. 5. All partition fences, separating adjoining inclosures, shall stand upon the line, and any person or persons when erecting a partition fence and refusing to place it on the line dividing such lands, or remove it to such line, when erected otherwise than thereon, shall subject himself to one half the cost of the removal and erection thereof in the right place.

In repair.

1061. SEC. 6. The respective owners or lessees of lands which now are or hereafter may be inclosed with fences, and their successors in interest therein, shall keep up and maintain, in good repair and condition,

all partition fences between their own and the next adjoining inclosures, in equal shares. .

1062. SEC. 7. When two or more persons shall agree to cultivate lands under one inclosure, neither of them shall place or cause to be placed any stock or animals on his, her, or their ground, to the injury or damage of the other or others, but, for a violation of this provision, shall be liable for all damages thus sustained by the other or others, and for a repetition of such violation, after due notice be given, and for every subsequent repetition, double damages shall be recovered. It shall not be necessary to prove an express agreement to cultivate under one inclosure, but the fact of such cultivation shall be sufficient evidence of such agreement. Under one inclosure.

SEC. 8. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they relate to the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer. Repealing clause.

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*An Act to extend the provisions of the foregoing Act of April fifteenth, eighteen hundred and fifty-nine.*

[Approved April 20, 1863, p. 357.]

[Enacting clause.]

1063. SECTION 1. The provisions of an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer, are hereby extended to the County of Yuba. Yuba County.

SEC. 2. This Act shall take effect on and after its passage.

## FENCES IN TUOLUMNE COUNTY.

*An Act concerning fences in Tuolumne County.*

[Approved April 4, 1864; Stats. 1863-4, p. 475.]

[Enacting clause.]

Partition  
fences in  
Tuolumne  
County,  
regulation  
of.

1064. SECTION 1. When a fence shall hereafter be erected by any person on the line of his land, or that for which he may have a lease for one or more years, and the person owning the land adjoining thereto, or holding a lease on the same for one or more years, shall make or cause to be made an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected one half the value of so much thereof as serves as a partition fence between them.

Partition  
fence.

1065. SEC. 2. When two or more persons own land adjoining, which is closed by one fence, and it becomes necessary, for the protection of the rights and interests of one party that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect, or cause to be erected, one half of such partition fence, said fence to be erected on or as near as practicable the line of said land; and if, after notice is given by either party, and a reasonable length of time has elapsed, and the other party persists in refusing to erect or cause to be erected one half of such fence, the party giving notice may proceed to erect, or cause to be erected, the entire partition fence, and collect by law one half the cost of such fence from the other party.

Line of.

1066. SEC. 3. All partition fences separating adjoining inclosures shall stand upon the line; and any person when erecting a partition fence, and refusing to place it on the line dividing such lands, or to re-



move it to such line when erected otherwise than thereon, shall subject himself to one-half the cost of its removal and erection in the right place.

1067. SEC. 4. The respective owners or lessees of lands, which now are, or hereafter may be, inclosed with fences, shall keep up and maintain in good repair all partition fences between their own and the next adjoining inclosures, in equal shares, so long as both parties continue to occupy or improve the same. Repairs of.

1068. SEC. 5. The provisions of this Act shall apply to Tuolumne County. Applies to Tuolumne County.

SEC. 6. This Act shall take effect from and after its passage. Took effect on passage.

The Political Code, Section 19, preserves in force and effect all the laws relating to lawful fences, etc., existing and in force before the adoption of the Codes. See "TRESPASSING ANIMALS," post.

## CHAPTER LXX.

### FERRIES AND TOLL BRIDGES.

SECTION 1069. License necessary.

1070. Supervisors empowered; proviso.

1071. Discretion of Board; license tax.

1072. Bridges on boundary line; proviso; neglect of Treasurer.

1073. Clerk to issue license; term of; bridges on public land, etc.

1074. Application to construct toll bridge; proviso.

1075. Renewal of license; proviso.

1076. Private grounds.

1077. Private lands to be set apart for use of ferries; Commissioners to appraise; notice to owners; proviso.

1078. Commissioners shall make report; owners of ferries to pay appraisement; proviso as to appeals and costs.

1079. Ferries or toll bridges on public commons of towns.

1080. Notice of application.

1081. Boats, etc.

1082. Bridges, etc.

1083. Recovery of damages against company; obstructions; damages.

SECTION 1084. Bond; where filed; refusal to give bond.

1085. License from County Judge.

1086. Violating section one.

1087. Rates of toll.

1088. Persons to pass free.

1089. Obligations of ferrymen.

1090. Banks of stream.

1091. Bridging without license.

1092. Power to revoke license; costs.

1093. When a Supervisor interested how to proceed; oath; pay.

1094. Moneys for license.

1095. Existing licenses; renewals; term of.

1096. San Francisco.

1097. Penalty.

1098. Misdemeanor.

1099. Disposition of fines.

1100. Supervisors to have power to license toll bridges and ferries.

1101. Supervisors may grant franchises for toll bridges or ferries; rates of toll; fords; bridges across navigable streams; purchase of bridges by counties; appointment of Commissioners; rules and regulations.

1102. Rates of toll under special Acts.

An Act creating and regulating public ferries, passed March 18th, 1850, p. 97; amended by Act passed April 29th, 1851, p. 183, and by supplemental Act approved April 14th, 1853, p. 85; and

An Act concerning toll bridges, passed May 1st, 1851, p. 167; repealed in part by Acts of May 18th, 1853, p. 233, and May 15th, 1854, p. 103, were repealed by Sec. 28 of

An Act concerning public ferries and toll bridges, passed May 15th, 1854, p. 241, which was repealed by the following Act:

*An Act concerning public ferries and toll bridges.*

[Approved April 18, 1855, p. 183.]

[Enacting clause.]

License  
necessary.

1069. SECTION 1. No person shall demand or receive compensation for the use of any bridge or ferry as a public highway, nor set up and keep on any private road, a toll bridge, ferry, or constructed ford, so as to receive any remuneration, or promise of remuneration, for use of the same, unless authorized so to do by license, as hereinafter provided.

1070. SEC. 2. The Board of Supervisors of each county shall be and are hereby empowered to establish public ferries and toll bridges across those bays, rivers, creeks, or sloughs bounding or within their respective counties, whenever they shall deem it necessary; *provided*, said Board shall not have the power to license bridges across navigable waters. But nothing in this Act contained shall be construed to authorize the granting of any license to keep a public ferry or toll bridge across or over the Bays of San Pablo, Suisun, San Francisco, or Monterey, or to impair the free and unrestricted navigation of said bays; *provided*, nothing in this section shall affect any ferry now established on the Straits of Carquinez, between Mare Island and Navy Point.

Supervisors  
empowered

Proviso.

1071. SEC. 3. Any person may petition the Board of Supervisors for a license to keep a ferry or toll bridge; and if, in the discretion of the Board, such ferry or toll bridge be necessary, and the petitioner be a suitable person to keep the same, they shall order the Clerk of said Board to issue a license, on the payment of such license tax, for the term for which the license is granted, as the Board may direct, not to exceed the rate of one hundred dollars, or less than three dollars per month for such terms, and filing with the Clerk the receipt and bond as hereinafter provided.

Discretion  
of Board.License  
tax.

1072. SEC. 4. Whenever a ferry or toll bridge crosses a stream, slough, bay, or arm of the sea, forming the boundary line between two counties, the owner or owners of the same shall take out a license in the county lying on the left bank descending such stream, slough, bay, or arm of the sea; *provided*, that the amount paid for such license shall be equally divided between such two counties. Should the County Treas-

Bridges on  
boundary  
line.

Proviso.

Neglect of  
Treasurer.

urer to whom such license money may have been paid neglect or refuse to pay over to the County Treasurer of the county entitled to the one half of said money, on demand, suit may be brought against such Treasurer so neglecting or refusing, and the securities on his official bond, in the name of the county to which said money is due, in any Court of competent jurisdiction, and judgment shall be recovered for double the amount so found to be due.

Clerk to  
issue  
license.

Term of.

Bridges  
on public  
land, etc.

Applica-  
tion to  
construct  
toll bridge.

1073. SEC. 5. Upon the production of the receipt of the County Treasurer to the Clerk of the Board, for the amount of license tax assessed by said Board, and filing the bond as hereinafter required, said Clerk shall issue such license to keep a ferry or toll bridge at the place therein mentioned, for a term not less than six months nor more than one year; but no license to keep such ferry or toll bridge shall issue unless the land on which it is sought to establish such ferry or toll bridge be public land or the land of said petitioner, or where the holders or owners of any land where the public convenience may require that such ferry or toll bridge shall be kept shall neglect or refuse to have a public ferry or toll bridge established within a reasonable time.

1074. SEC. 6. No ferry or toll bridge shall be established within one mile immediately above or below a regularly established ferry or toll bridge, unless it be required by the public convenience, or where the situation of a town or village, the crossing of a public highway, or the intervention of some creek or ravine, shall render it necessary. Upon application by any person to establish another ferry or toll bridge within one mile of any regularly established ferry or toll bridge, notice of at least ten days, of the time and place of such application, and of the grounds upon which the same is founded, shall be served upon the

proprietor of the ferry or toll bridge already established, and such application shall be made to the same tribunal (if the same has jurisdiction) which granted the license for the ferry or toll bridge already established; *provided*, that there is nothing in this Act that shall be so construed as to prevent the Board of Supervisors from establishing a ferry or toll bridge at any place they may deem proper, within two miles of any incorporated town or city, across streams that are not navigable. (Amendment approved May 8th, 1861, p. 307.) Proviso.

1075. SEC. 7. Any person having a license to keep a ferry or toll bridge, and having kept the same in accordance with law, shall be entitled to have such license renewed from the date of the expiration of the same, for a period of not less than six months or more than one year, having posted notices of his intention to apply for such renewal for twenty days, in the same manner as required on original application; and the Board of Supervisors shall in all cases of application for renewal of license give to the party applying for a renewal a preference over any party making original application for license to keep a toll bridge or ferry at the same place; *provided*, such person applying for renewal shall in all respects have complied with the terms and requirements of this Act. Renewal of license.  
Proviso.

1076. SEC. 8. When any person being owner or holder of any land lying on any river, creek, slough, or arm of the sea within or bounding on this State, except such as are by section two of this Act exempted, where any public road may cross the same, and where the public convenience may require that a ferry or toll bridge should be kept, shall neglect or refuse to have a public ferry or toll bridge established within a reasonable time, it shall be lawful for the Board of Supervisors of the county in which it may be neces- Private grounds.

sary to have such ferry or toll bridge established, upon proper application being made, and after having given three months public notice of their intention by advertisement in some public newspaper in the county, or by written notice set up in three of the most public places in the county, to grant a license to some person to keep a ferry or toll bridge at said place, on such conditions as to them may appear reasonable and just, taking bond with security as hereinafter provided.

Private  
lands to be  
set apart  
for use of  
ferries.

Commis-  
sioners to  
appraise.

Notice to  
owners.

1077. SEC. 9. In case any lands belonging to any private person or persons may be necessary in providing landings, moorings, and fastenings, or other necessary facilities for operating any public ferry granted under the provisions of this Act, the owner or owners of such public ferry may petition the Board of Supervisors of the county in which the same is situated, to have the said lands appropriated to public use for the purposes aforesaid, setting forth a description of the lands sought to be so appropriated, and the object for which the use of the same is necessary. Upon the presentation of such petition to the Board of Supervisors they may appoint three disinterested electors of the county Commissioners, who shall, within five days after the date of their appointment, first having taken an oath to faithfully and impartially discharge the duties devolving upon them by law as such Commissioners, proceed to examine the lands petitioned for, and determine whether the same be necessary for public use as aforesaid; and if the Commissioners, or a majority of them, shall determine the same to be so necessary, it shall be their duty to notify, in writing, the owner or owners of such lands of the time and place at which they will meet to appraise and value the same; such meeting to be within thirty days after said examination of said lands, and at least five days after the service of said notice; *provided*, that if the owner or owners

of such lands cannot be found in the county, said notice may be served by publishing the same for three consecutive weeks in some newspaper published in the county, the last insertion to be at least five days previous to the time appointed for such meeting, at which time and place they shall proceed to appraise and value such lands, and it shall be their duty to hear any evidence in relation to such value as may be offered, either by the owner or owners of the lands or of the ferry. (Amendment approved March 18th, 1864, Stats. 1863-4, p. 192; took effect from passage.)

Proviso.

1078. SEC. 10. The Commissioners, or a majority of them, shall, within five days after such appraisement, make a report in writing to the Board of Supervisors, by filing the same with the Clerk thereof, in which they shall set forth their proceedings as such Commissioners, that the lands are necessary for public use, and the true cash value of the same; whereupon the Board of Supervisors shall, at a special meeting called for the purpose, or at their next regular meeting after the filing of said report, make an order that the amount of such appraisement be paid to the owner or owners of such lands by the owner or owners of such public ferry; and after such payment or tender of payment, such lands shall be deemed dedicated and appropriated to public use, and the owner or owners of such ferry shall have full right to occupy and use the same for the purposes of operating such public ferry; but not more than one hundred feet of land on each side of any river, creek, or slough shall be so appropriated for the purpose of landings for such ferry, and not more than one fourth of one acre of such lands on each side of such river, creek, or slough shall be so appropriated for other purposes and facilities of operating such ferry; *provided*, that if the owner or owners of any lands appropriated for public use, as

Commissioners shall make report.

Owners of ferries to pay appraisement

Proviso as  
to appeals  
and costs.

herein provided, shall be dissatisfied with the amount awarded by the Commissioners as the value of the lands, and shall refuse to receive the sum so awarded, they shall, within ten days from the time the owner or owners of the ferry shall enter upon and occupy the lands so dedicated to public use, commence an action in a Court of competent jurisdiction against the persons so entering upon and occupying the land, for the value of the same; *provided*, that if the plaintiffs recover no greater sum than that awarded by the Commissioners, they shall pay the costs of the action. (Amendment approved March 18th, 1864, Stats. 1863-4, p. 192; took effect from passage.)

Ferries or  
toll bridges  
on public  
commons  
of towns.

1079. SEC. 10. When the land bordering on any creek, river, slough, or arm of the sea, across which a public ferry or toll bridge is deemed necessary, shall be a public common for any town, the said Board shall be authorized to establish ferries or toll bridges across such river, creek, slough, or arm of the sea, on application of any persons owning land next adjoining such public common, under the same rules and restrictions that ferries and toll bridges are established, upon application of persons owning lands bordering on such river, creek, slough, or arm of the sea; but the foregoing provisions shall not be construed as in anywise to affect the rights of any town or corporation, or of any person or persons being proprietor or proprietors of any town, their heirs or assigns, by giving the right to establish a ferry or toll bridge to any person, not proprietor of such town, if the corporation of such town or the proprietor of such lands keep up a sufficient number of ferries or toll bridges.

Notice of  
application

1080. SEC. 12. The Board of Supervisors shall not establish any ferry or toll bridge until the applicant shall prove satisfactorily that publication has been made of his intended application in some newspaper



published in the county, if one be published, and by posting notices in three of the most public places in the township where the bridge or ferry is sought to be established, for at least thirty days next preceding such application.

1081. SEC. 13. The Board of Supervisors shall have authority to order and direct from time to time the number and description of boats, and the number of hands which shall be kept on each ferry respectively. Boats, etc.

1082. SEC. 14. No application as aforesaid shall be granted for any toll bridge until the Board of Supervisors shall be satisfied that such bridge has been or will be made of substantial and durable materials, and at least ten feet in width, railed in with a good substantial railing at least four feet high; *provided*, that nothing in this section contained shall prohibit the Board of Supervisors, upon application, from authorizing the erection of toll bridges across mountain streams where it is impracticable to travel with wagons, of such dimensions as the Board in its discretion may determine. Bridges, etc.

1083. SEC. 15. Any person injured, delayed, or damaged, through any defect, insufficiency, or want of repair in any toll bridge or ferry, shall have a right to sue and recover of the party having a license therefor such damages as he may thereby have sustained, in any Court of competent jurisdiction; and any person or persons who shall willfully obstruct or damage, or cause to be obstructed or damaged, any lane or road, traveled or used by the public as a highway in going to and from any toll bridge or ferry, so as to render such travel or use of such lane or road impracticable, or more difficult, without first procuring, in the manner now or that may hereafter be provided by law, an order by the Board of Supervisors, or other competent authority, Recovery of damages against company.

Obstructions.

**Damages.** duly vacating such lane or road, shall be liable to pay to any person or persons having a license to keep any toll bridge or ferry, any and all damages he or they may sustain by loss or diminution in the amount of tolls that might have been collected had no such obstruction or damage been created, and all other damages; and any party so aggrieved may sue and recover the same in any Court of competent jurisdiction, with costs of suit. (Amendment approved April 27th, 1863, p. 747.)

**Bond.** 1084. SEC. 16. The person or persons obtaining an order granting to him or them the privilege of keeping a ferry or toll bridge, shall, within thirty days from the date of such order, execute a bond payable to the State of California, in a penal sum to be fixed by the Board of Supervisors, with one or more sureties, to be approved by the County Judge, conditioned that he or they will keep such ferry or toll bridge in good repair and condition, according to law, and that he or they will give passage to all public messengers and expresses, when required, without fee or reward, and conditioned further that the obligors will pay to any person delayed, injured, or damaged, by reason of any defect or insufficiency, or want of suitable repair of said ferry or bridge, all damages that such persons may recover therefor, in any Court of competent jurisdiction, which bond shall be filed with the County Clerk, and may be proceeded on by any party injured by any breach of the conditions thereof, in the same manner as appeal bonds; and if any party obtaining an order granting a ferry or bridge privilege shall neglect or refuse to give such bond, he or they shall forfeit the right to said ferry or toll bridge privilege.

**Where filed.**

**Refusal to give bond.**

**License from County Judge.** 1085. SEC. 17. When the Board of Supervisors refuse to grant a license, or a renewal of a license to keep a ferry or toll bridge, to any person to establish

a ferry or toll bridge, the person making such application according to law shall have the right to apply to the County Judge of the county in which the ferry or bridge is sought to be established is located, for such license, during any regular term of the County Court for such county; and the County Judge may, in his discretion, grant such license, in accordance with the provisions of this Act.

1086. SEC. 18. Any person who shall violate the first section of this Act shall be deemed guilty of a misdemeanor, and may, upon conviction, be punished by fine not exceeding five hundred dollars for the first offense, and for the second offense, in addition thereto, shall be imprisoned in the County Jail not exceeding thirty days.

Violating  
section one.

1087. SEC. 19. The Board of Supervisors shall establish the rates of toll to be charged and received for crossing all licensed ferries and toll bridges, but such tolls shall not be fixed at a rate so low as to make the net income to the owners thereof less than twenty-four per cent per annum on the assessed taxable value of such ferry or toll bridge, and such rates shall be posted up, either written, printed, or painted, at each licensed ferry or toll bridge in the State, by the owner thereof. Any questions arising as to the cost of keeping and maintaining any such ferry or toll bridge, or of the revenue thereof, shall, if the Board of Supervisors and the owners thereof disagree as to the amount, be at once submitted to three Commissioners, chosen as follows: One by the Board of Supervisors, one by the owners of such ferry or toll bridge, and the third by the two so chosen; and the verdict of such Commissioners, or a majority thereof, upon the evidence submitted, shall be final and conclusive as to such question

Rates  
of toll.

or questions. (Amendment approved April 27th, 1863, p. 758.)

Persons to  
pass free.

1088. SEC. 20. All expresses sent on public service by a Commander-in-Chief, Colonel, or Major, or from the Governor for the time being, or the commanding officer of the militia, shall be accounted public messengers or expresses, and shall pass all ferries or toll bridges free of charge, within the condition of the bond aforesaid, if the dispatch carried by such messenger or expresses be indorsed "Public Service," and be signed by the person sending the same; but no ferryman or toll bridge keeper shall be bound to give passage free to any such expresses in time of peace, except in case of insurrection.

Obligations of  
ferryman.

1089. SEC. 21. Each licensed ferry keeper shall constantly keep a good and sufficient boat or boats (if more than one be necessary), with a sufficient number of able and skillful ferrymen, as may be directed by the Board of Supervisors, and give due attendance to the said ferry or ferries, and to the transportation of all persons with their property, who shall apply for the same between daylight in the morning and dark in the evening, so that no unnecessary delay may happen to persons having occasion to pass such ferry; and all licensed ferry or toll bridge keepers shall be obliged at any hour of the night, if required, except in cases of evident danger, to give passage to all expresses above recited, and to all other persons requiring the same, on their tendering or paying the rate of toll or ferriage allowed to be taken during the daytime.

Banks of  
stream.

1090. SEC. 22. It shall be the duty of all ferry and toll bridge keepers to cause the banks of the streams to be graded and kept in good passable order for the passage of loaded wagons and other vehicles.

1091. SEC. 23. The Board of Supervisors may, in their discretion, and under restrictions hereinbefore prescribed, establish and license ferries or bridges over streams that are otherwise impassable for short periods at particular seasons, without the payment of license tax, if said Board shall be satisfied that the profits of such ferry or toll bridge will not justify the owner in paying a tax therefor; but every ferry or toll bridge so established under the provisions of this section shall be subject to all the rules, regulations, and restrictions of this Act, except the payment of a license tax.

Bridging  
without  
license.

1092. SEC. 24. If any ferry which now is, or may hereafter be established, shall not be furnished with the necessary boat or boats, and ferrymen, within one month after the establishment thereof, and continue to be so furnished, or if the proprietor shall at any time thereafter refuse or neglect to properly attend to the same, it shall be the duty of the Board of Supervisors for the county wherein such ferry is located, on complaint to them made and verified by the oath of any citizen of the county, to cause the proprietor or proprietors of such ferry to be summoned to appear before said Board at its next sitting, to show cause why the license for such ferry should not be revoked; and the Board of Supervisors shall revoke such license or dismiss such complaint on hearing the testimony adduced, and may award cost against the complainant or proprietor, or in their discretion apportion the costs.

Power to  
revoke  
license.

Costs.

1093. SEC. 25. Whenever it shall appear that any member of the Board of Supervisors is interested in the application for or against the establishment and continuation of or revocation of the license to keep any public ferry or toll bridge, the Board shall thereupon certify such application or proceeding to the County Clerk, the Sheriff, and District Attorney of the county in which such application is made; such Clerk, Sheriff,

When a  
Supervisor  
interested  
how to  
proceed.

and District Attorney shall thereupon have full and complete jurisdiction, and exercise, under the same obligation and restrictions, the powers and duties devolved upon the Board of Supervisors by the Act to which this is amendatory, and the several Acts amendatory thereof and supplemental thereto; *provided*, that

**Oath.** such Clerk, Sheriff, and District Attorney shall, upon entering upon their duties as such Board, take an oath before the County Judge to faithfully perform their duties under this Act; and *provided further*, that such Clerk, Sheriff, and District Attorney shall each be al-

**Pay.** lowed five dollars per day for such time as they shall be actually employed in the hearing and determination of such case, to be taxed and paid as other costs in civil cases in Courts of justice of this State. (Amendment, 1868, Stats. 1867-8, p. 77; took effect from passage.)

**Moneys for license.** 1094. SEC. 26. All moneys assessed and collected for ferry or toll bridge licenses, shall be paid into the County Treasury for county purposes.

**Existing licenses.** 1095. SEC. 27. Each and every person to whom a license to keep a ferry or toll bridge has been granted by the Court of Sessions or District Judge of any of the counties of this State, which license was unexpired on the first Monday in February, A. D. eighteen hundred and fifty-five, and the assignee or assignees of such as have transferred the franchise are, and each and every of them is hereby licensed to keep a ferry or toll bridge, according to the grant of their respective franchise, until the first Monday of June next; and any person or persons to whom a license to keep a ferry or toll bridge is hereby granted, who shall have kept the same in accordance with law, shall be entitled

**Renewals, term of.** to have such license renewed from the date of the expiration of the same, for a period of not less than six months nor more than one year, having posted

notices of intention to apply for such renewal in the same manner as required on an original application.

SEC. 28. An Act entitled an Act concerning public ferries and toll bridges, passed May fifteenth, eighteen hundred and fifty-four, is hereby repealed.

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*An Act to amend the foregoing Act.*

[Approved March 18, 1864; Stats. 1863-4, p. 192.]

[Enacting clause.]

[Sections 1 and 2 contain the amendment to Secs. 9 and 10 of the Act of April 28, 1855, therein inserted.]

1096. SECTION 3. This Act, or the one to which it is amendatory, shall not apply to the City and County of San Francisco.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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*An Act supplementary to the foregoing Act of April twenty-eighth, eighteen hundred and fifty-five.*

[Approved February 14, 1861, p. 18.]

[Enacting clause.]

1097. SECTION 1. Every person who shall ride or drive faster than a walk, on or over any toll bridge lawfully licensed, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in the sum of ten dollars. Penalty.

1098. SEC. 2. Every person not exempt by law from paying tolls, who shall pass over any toll bridge lawfully licensed without paying the legal toll, and with intent to avoid paying the same, or having passed over any toll bridge lawfully licensed, shall willfully refuse to pay the legal toll, shall be deemed guilty of Misdemeanor.

a misdemeanor, and shall, on conviction thereof, be fined in the sum of ten dollars.

Disposition  
of fines.

1099. SEC. 3. The fines recovered under this Act shall be paid into the County Treasury, for the benefit of the road district in which the toll bridge is situated.

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*An Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 15, 1862, p. 247.]

[Enacting clause.]

Supervisors  
to have  
power to  
license  
toll bridges  
and ferries.

1100. SECTION 1. The Board of Supervisors of each county in this State shall have power to grant a license to construct a toll bridge across any stream, not navigable, in their county, and for using and maintaining such bridge for a period not exceeding twenty years, or to grant a license to keep, use, and maintain a public ferry across any river or stream, for a period not exceeding ten years; and said Board shall have power to prescribe the rates of toll, and change the same from year to year, as in their discretion may seem proper; but previous to the first day of January, eighteen hundred and seventy-three, they shall not fix said rates so low as to make the net income less than twenty per cent per annum upon a fair valuation of such bridge or ferry and franchise; and thereafter, not less than ten per cent per annum upon such valuation, which shall be made at the time in each year when the tolls are fixed. Said Board shall have the power to authorize and maintain fords across any stream so bridged, as near to any such toll bridge as in the discretion of said Board the public convenience may require. All the provisions of the Act to which this Act



is supplemental, except that which limits to one year <sup>Same.</sup> the time for which a license may be granted for a toll bridge, shall apply to grants made under this Act. Said valuation, in case of a disagreement as to the amount of the same, shall be determined by three Commissioners, one of whom shall be chosen by said Board of Supervisors, one by the owners of said bridge, and the third to be selected by the two thus chosen. At any time after the expiration of five years from and after the granting of any such license or franchise, the person or persons to whom the same shall have been granted shall be required to sell, transfer, and convey said bridge, together with the appurtenances thereto belonging, to the county from whose Supervisors said license or franchise may have been obtained, upon a demand being made to that effect by said Board of Supervisors, and upon the payment or tender to said person or persons of the appraised value thereof, with ten per cent added, exclusive of the value of the franchise. On the purchase of the said bridge, it, together with the franchise, shall vest in said county. Said appraisalment shall be made by five Commissioners, to be chosen in the following manner: The Board of Supervisors of said county shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify said Board thereof; the four Commissioners so appointed shall select a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their ap-

**Same.** praisement and present their report within thirty days after the completion of the commission, and file the same in the office of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon said grantees, if the said report be approved by said Board of Supervisors; and upon such approval, the amount of the award shall be paid by the Treasurer of the county to the grantees or their assigns, within sixty days after the filing of said award. And the said Board of Supervisors shall have the further power to prescribe rules and regulations governing the amount of weight or number of animals that may be drove or driven on any such bridge at any one time; and any person refusing to comply with said rules and regulations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than ten nor more than five hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. (Amendment approved April 27th, 1863, p. 720; took effect from passage.)

[The foregoing Act was probably superseded by the following Act, although it was not expressly repealed.]

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*An Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.*

[Approved April 4, 1870, p. 887.]

[Enacting clause.]

Supervisors  
may grant  
franchises  
for toll  
bridges  
or ferries.

1101. SECTION 1. The Board of Supervisors of each county in this State shall have power to grant a license to construct a toll bridge across any stream, creek, or slough in their county, and for using and maintaining such bridge for a period not exceeding

twenty years, or to grant a license to keep, use, and maintain a public ferry across any river or stream for a period not exceeding twenty years; and said Board shall have the right to prescribe the rates of toll, and change the same from year to year, as they may think proper; but previous to the first day of January, eighteen hundred and seventy-three, they shall not fix the rates of toll over any bridge or ferry constructed or licensed under the provisions of this Act, so low as to make the net [income] less than twenty per cent per annum upon a fair valuation of such bridge, or ferry and franchise, and thereafter, not less than ten per cent per annum upon such valuation, which shall be made at the time in each year when such tolls are fixed. Said Board shall have power to authorize and maintain fords across any stream so bridged, as near to any such toll bridge as, in the discretion of said Board, the public convenience may require. All the provisions of the Act to which this Act is supplemental, except that which limits the time of a license for a toll bridge for one year, and to streams not navigable, shall apply to grants made under this Act. Said valuation, in case of a disagreement as to the amount of the same, shall be determined by three Commissioners, one of whom shall be chosen by said Board of Supervisors, one by the owners of said bridge, and the third to be selected by the two thus chosen, or, in the event of their failing to agree within ten days, he shall be appointed by the County Judge of the county. Said Board shall not have power to license bridges across the Sacramento or San Joaquin Rivers, the Petaluma, Napa, or Sonoma Creeks, nor San Francisco, San Pablo, or Suisun Bays; and if a bridge shall be established across any navigable creek, stream, or slough, under the provisions of this Act, it shall be constructed so as not to obstruct naviga-

Rates  
of toll.

Fords.

Bridges  
across  
navigable  
streams.

## FERRIES AND TOLL BRIDGES.

l contain a draw or swing with sufficient strength to admit of the safe, convenient, and unobstructed passage at all times of vessels or steamboats which may navigate said creek, stream or river. At any time after the expiration of the term and after the granting of any new license or franchise, the person or persons to whom the same have been granted shall be required to surrender and convey said bridge, together with all appurtenances thereto belonging, to the County Board of Supervisors said license or franchise was obtained, upon a demand being made by said Board of Supervisors, and to tender to said person or persons of the value thereof, with ten per cent added to the value of the franchise. On the expiration of the term of the franchise, the bridge, it, together with the franchise, shall revert to said county. Such appraisement shall be made by three Commissioners, to be chosen in the following manner: The Board of Supervisors of said county shall appoint two Commissioners, and may also appoint one or their assigns of such appointment, within ten days after the receipt of such notice, and the two Commissioners and notify said Board of Supervisors of the same. If a fourth Commissioner so appointed shall not appear, or, but in case of their inability to act, the third Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of failure of the grantees or their assigns to comply with the Commissioners on their part, as provided, or in case of refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisement and present the same to said Board of Supervisors within thirty days after the completion of the appraisement, and file the same in the office of said Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of

ty shall be final and binding upon said grantees, said report be approved by said Board of Super- and upon such approval, the amount of the shall be paid by the Treasurer of the county grantees or their assigns within sixty days after ling of said award. And the said Board of Rules and  
visors shall have the further power to prescribe regulations governing the amount of weight number of animals that may be drove or driven on ch bridge at any one time; and any person re- to comply with said rules and regulations shall emed guilty of a misdemeanor, and on conviction f shall be punished by fine not less than ten nor than five hundred dollars, or by imprisonment xceeding thirty days, or by both such fine and onment. The powers hereby conferred shall e and extend to all the franchises aforesaid, a the limits of any incorporated town or city.

2. SEC. 2. All toll bridges or ferries con- Rates of  
ed or licensed under or by virtue of a special toll under  
f the Legislature, shall be governed in the regu- special  
of tolls by the provisions of such special Act. Acts.  
n case there be no such provisions in such special  
hen the Board of Supervisors of the county in  
a such toll bridge or ferry is situated shall have  
le and exclusive right and power to regulate the  
thereof, without being subject to any of the re-  
ons mentioned in section one of this Act.  
. 3. This Act shall take effect and be in force  
and after its passage.

Political Code contains provisions applicable to ferries and toll (Secs. 2843 to 2895, inclusive). The Code, however, does not any vested rights which the owners of ferry or bridge franchises the time of the adoption of the Codes. The laws under which rights existed before that time are therefore given. They are expressly repealed by the Code, and the obligations of con- which may have arisen under the former laws are not impaired Codes. See, also, "CORPORATIONS."

Purchase  
of bridges  
by counties

Appoint-  
ment of  
Commis-  
sioners.

tion, and shall contain a draw or swing with sufficient space or span to admit of the safe, convenient, and expeditious passage at all times of vessels or steamers of any class which may navigate said creek, stream, or slough. At any time after the expiration of five years from and after the granting of any such license or franchise, the person or persons to whom the same shall have been granted shall be required to sell, transfer, and convey said bridge, together with the appurtenances thereto belonging, to the county from whose Supervisors said license or franchise may have been obtained, upon a demand being made to that effect by said Board of Supervisors, and upon payment or tender to said person or persons of the appraised value thereof, with ten per cent added, exclusive of the value of the franchise. On the purchase of said bridge, it, together with the franchise, shall vest in said county. Such appraisement shall be made by five Commissioners, to be chosen in the following manner: The Board of Supervisors of said county shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners and notify said Board thereof. The four Commissioners so appointed shall select a fifth, but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisement and present their report within thirty days after the completion of the Commission, and file the same in the office of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the

majority shall be final and binding upon said grantees, if the said report be approved by said Board of Supervisors; and upon such approval, the amount of the award shall be paid by the Treasurer of the county to the grantees or their assigns within sixty days after the filing of said award. And the said Board of Supervisors shall have the further power to prescribe rules and regulations governing the amount of weight or number of animals that may be drove or driven on any such bridge at any one time; and any person refusing to comply with said rules and regulations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than ten nor more than five hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. The powers hereby conferred shall include and extend to all the franchises aforesaid, within the limits of any incorporated town or city.

Rules and regulations

1102. SEC. 2. All toll bridges or ferries constructed or licensed under or by virtue of a special Act of the Legislature, shall be governed in the regulation of tolls by the provisions of such special Act; and in case there be no such provisions in such special Act, then the Board of Supervisors of the county in which such toll bridge or ferry is situated shall have the sole and exclusive right and power to regulate the tolls thereof, without being subject to any of the restrictions mentioned in section one of this Act.

Rates of toll under special Acts.

SEC. 3. This Act shall take effect and be in force from and after its passage.

The Political Code contains provisions applicable to ferries and toll bridges (Secs. 2843 to 2895, inclusive). The Code, however, does not disturb any vested rights which the owners of ferry or bridge franchises had at the time of the adoption of the Codes. The laws under which these rights existed before that time are therefore given. They are nowhere expressly repealed by the Code, and the obligations of contracts which may have arisen under the former laws are not impaired by the Codes. See, also, "CORPORATIONS."

## FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

An Act to prevent the destruction of fish in Bolinas Bay, Marin County, approved March 31st, 1866, p. 637.

An Act concerning trout in Siskiyou County, approved April 2d, 1866, p. 857.

An Act to prevent the destruction of fish in Napa River and Sonoma Creek, approved January 29th, 1868, p. 13.

An Act to prevent the destruction of fish and game in and upon and around the waters of Lake Merritt, or Peralta, in the County of Alameda, approved March 18th, 1870, p. 325.

An Act to regulate salmon fisheries in Eel River, in Humboldt County, approved April 18th, 1859. See "SALMON."

An Act concerning oysters, approved April 28th, 1851, and

An Act concerning oyster beds, approved April 2d, 1866.

See, also, Political Code, Secs. 642, 643, "FISH COMMISSIONERS."

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## CHAPTER LXXIV.

### FLOUR.

SECTION 1106. Reference to Acts relating to flour, etc.

#### 1106.

Reference  
to Acts  
relating to  
flour, etc.

An Act to provide for the inspection of flour, approved May 3d, 1852, p. 129, amended by new Act, approved May 18th, 1853, p. 272, was repealed, with the amendatory Act, by Act passed January 28th, 1854, p. 3.

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## CHAPTER LXXV.

### FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

SECTION 1107. Reference to general and special Acts.

#### 1107.

Reference  
to general  
and special  
Acts.

An Act concerning forcible entries and unlawful detainers, passed April 22d, 1850, p. 425; amended by Act approved April 2d, 1852, p. 158; further amended by Act approved March 26th, 1858, p. 90; further amended by Act approved May 20th, 1861, p. 582; and still further amended by Act approved April 25th, 1862, p. 420; was repealed by Act of April 27th, 1863, below referred to.

An Act to provide for appeals in certain cases, approved April 29th, 1852, p. 156, related to forcible entry and detainer cases commenced previous to June 1st, 1852, and is not now of any force.

An Act concerning forcible entries and unlawful detainers, and to



repeal all other Acts on the same subject, approved April 27th, 1863, p. 652.

An Act to preserve and secure the rights of parties which existed on the 31st day of December, 1863, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers, approved April 4th, 1864, Stats. 1863-4, p. 399.

An Act concerning forcible entries and unlawful detainers, approved April 2d, 1866, p. 768.

The Acts relating to forcible entries and unlawful detainers are all superseded by the Code of Civil Procedure, Secs. 1159 to 1178, inclusive; also, see Secs. 85, 89, and 735, of that Code.

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## CHAPTER LXXVI.

### FOLIOS.

SECTION 1108. Reference to Acts.

#### 1108.

An Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio, approved April 2d, 1866, p. 858. Reference to Acts.

See Acts relating to fees and salaries, in which the word "folio" is defined.

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## CHAPTER LXXVII.

### FOREIGN MINERS.

SECTION 1109. Reference to Acts.

#### 1109.

The laws in regard to foreign miners' licenses are now an integral portion, so to speak, of the Revenue Act of May 17th, 1861, from Sec. 90 to Sec. 100, inclusive. The old and now repealed or superseded Acts in relation to the subject, except such as were parts of Acts relating to revenue in general, were as follows: Reference to Acts.

An Act for the better regulation of the mines and the government of foreign miners, passed April 13th, 1850, p. 221, repealed by Act passed March 14th, 1851, p. 424.

An Act to provide for the protection of foreigners and to define their liabilities and privileges, approved May 4th, 1852, p. 84, repealed by Act of March 30th, 1853, p. 62.

An Act to provide for the protection of foreigners and to define their liabilities and privileges, approved March 30th, 1853, p. 62; amended

May 13th, 1854, p. 166 ; April 30th, 1855, p. 216 ; April 19th, 1856, p. 141 ; March 5th, 1857, p. 60 ; April 7th, 1857, p. 182 ; April 30th, 1857, p. 360 ; and April 26th, 1858, p. 302.

All laws in relation to revenue are superseded by the Political Code, Part III, Title IX, "REVENUE."

## CHAPTER LXXVIII.

### FRAUDULENT CONVEYANCES AND CONTRACTS.

#### SECTION 1110. Reference to Acts.

Reference  
to Acts.

#### 1110.

An Act concerning fraudulent conveyances and contracts, passed April 19th, 1850, p. 266.

Amendatory Act, approved March 6th, 1868, p. 110.

An Act to prohibit the collection of accounts for liquors sold at retail, approved April 21st, 1858, p. 193.

See "LIQUORS."

An Act to provide for the conveyance of mining claims, approved April 13th, 1860, p. 175.

See "CONVEYANCES."

An Act to prevent the fraudulent conveyance or incumbrance of real estate by married women, approved April 27th, 1863, p. 750.

See Civil Code, Secs. 1227 to 1231, inclusive, "UNLAWFUL TRANSFERS;" also, Civil Code, Secs. 3439 to 3442, inclusive, "FRAUDULENT INSTRUMENTS AND TRANSFERS;" also, Civil Code, Secs. 3449 to 3473, inclusive, "ASSIGNMENTS FOR THE BENEFIT OF CREDITORS." Consult, also, Code of Civil Procedure, Sec. 479.

## CHAPTER LXXIX.

### FRESNO COUNTY.

#### SECTION 1111. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1111.

Boundaries, Stats. 1856, p. 183 ; 1861, p. 235.

Seat of justice, Stats. 1856, p. 183.

Providing for organization, etc., Stats. 1856, p. 183.

Authorizing Board of Supervisors to levy and cause to be collected special tax for liquidating outstanding and accruing indebtedness, Stats 1857, p. 131.

Fixing amount of official bonds of county officers, Stats. 1858, p. 119.

- Authorizing Treasurer to transfer certain funds, Stats. 1861, p. 2.  
 Defining time of holding Court of Sessions, Stats. 1861, p. 123.  
 Creating Mono County, Stats. 1861, p. 235.  
 Granting right to construct bridge and establish ferry on San Joaquin  
 River to J. B. Marshall and associates, Stats. 1863, p. 180.  
 Concerning roads and highways, Stats. 1863, p. 542.  
 Fixing compensation of Board of Supervisors, Stats. 1863-4, p. 124. •  
 Providing for construction of wagon road between Millerton and  
 Owensville, Stats. 1863-4, p. 222.  
 Fixing compensation of District Attorney, Stats. 1863-4, p. 227.  
 Auditor to issue bonds for erection of jail, Stats. 1866, p. 148; 1868,  
 p. 9.  
 Protection of stock raisers, Stats. 1866, p. 322.  
 Official publications, Stats. 1866, p. 453.  
 To improve navigation of San Joaquin River, Stats. 1866, p. 536.  
 Franchise for road from Converse Ferry, Stats. 1866, p. 632.  
 Act concerning rodeos, amended 1866, p. 673.  
 To create Board of Water Commissioners, Stats. 1866, p. 777.  
 To aid in construction of wagon road, Stats. 1866, p. 785.  
 Franchise to J. H. Wood and associate for a turnpike road, Stats.  
 1866, p. 806.  
 To aid in construction of S. P. R. R., Stats. 1866, p. 816.  
 To provide payment of indebtedness, Stats. 1868, p. 92.  
 To stay collection of taxes, Stats. 1868, p. 169.  
 For relief of Sheriff, Stats. 1868, p. 239.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 To be in Thirteenth Judicial District, Stats. 1868, p. 658.  
 Act in relation to herding sheep, Stats. 1870, p. 304.  
 Salary of Auditor, State's portion to be paid, Stats. 1870, p. 408.  
 Boundaries, Stats. 1870, p. 449.  
 Bounty tax for the destruction of squirrels, Stats. 1870, p. 316.  
 For the relief of ex-Sheriff Ashman, Stats. 1870, p. 518.  
 For the relief of J. N. Walker, Sheriff, Stats. 1870, p. 722.  
 Terms of District Court, Stats. 1870, p. 792.

Reference  
 to special  
 and local  
 Acts.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117,]

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## CHAPTER LXXX.

### FUGITIVES FROM LABOR.

#### SECTION 1112. Reference to Acts.

##### 1112.

Reference  
to Acts.

An Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15th, 1852, p. 67.

An Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, passed April 15th, 1852, p. 67; repealed by Act approved January 29th, 1868, p. 13.

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## CHAPTER LXXXI.

### FUNDS.

#### SECTION 1113. Reference to special Acts relating to civil loans and war bonds.

1114. Bonds, to amount of seven hundred thousand dollars, to be prepared.

1115. Coupons for interest.

1116. Record of bonds issued.

1117. Expense of preparing bonds.

1118. Creditor of State to be paid with said bonds; proviso.

1119. Examination, registry, and cancellation of bonds received.

1120. Revenue, how to be collected; proviso.

1121. Application of moneys collected.

1122. Interest tax to be levied; proviso.

1123. Provision for payment of interest.

1124. State Sinking Fund.

1125. Such Fund, how applied.

1126. Account of such Fund.

1127. Credit of State pledged.

1128. Employés to give security.

1129. Abstract of proceedings under this Act.

- SECTION 1130.** Redemption from Sinking Fund of seven per cent bonds of eighteen hundred and fifty-one.
- 1131.** Redemption from General Fund of seven per cent bonds of eighteen hundred and fifty-one.
- 1132.** Bonds above par value.
- 1133.** Issuance of six hundred thousand dollars State bonds at seven per cent.
- 1134.** Coupons for interest.
- 1135.** Treasurer and Controller to keep separate records of all bonds.
- 1136.** Expenses of preparing bonds.
- 1137.** Bonds for Controller's warrants; proviso.
- 1138.** Governor and Controller to examine and cancel all warrants.
- 1139.** Interest tax of eighteen hundred and fifty-two; proviso.
- 1140.** Sinking Fund of eighteen hundred and fifty-two; moneys composing the Sinking Fund.
- 1141.** Surplus to liquidate principal.
- 1142.** Record of the Sinking Fund.
- 1143.** Pledge of faith of State.
- 1144.** Security from employés.
- 1145.** Abstract of proceedings.
- 1146.** Redemption of bonds.
- 1147.** Funding of warrants issued from January to June, eighteen hundred and fifty-three, inclusive.
- 1148.** Additional interest tax.
- 1149.** Expenses of preparing bonds.
- 1150.** Funding of State debt; bonds; proviso.
- 1151.** Coupons for interest.
- 1152.** Records of bonds.
- 1153.** Expenses of preparing bonds.
- 1154.** Bonds in lieu of warrants; proviso.
- 1155.** Taxes.
- 1156.** Advertisement for surrender of bonds.
- 1157.** Record of Fund collected.
- 1158.** Interest.
- 1159.** Examination, registration, and cancellation of warrants.
- 1160.** Bonds of employés.
- 1161.** Abstract of proceedings.
- 1162.** Funding debt unpaid on first of January, eighteen hundred and fifty-eight; bonds; proviso.
- 1163.** Coupons.
- 1164.** Records of bonds.
- 1165.** Expense of preparing bonds.
- 1166.** Bonds in lieu of warrants; records of bonds.
- 1167.** Taxes.
- 1168.** Advertisement for surrender of bonds.

**SECTION 1169. Records of bonds.**

- 1170. Payment of interest.
- 1171. Examination, registration, and cancellation of warrants.
- 1172. Bonds of employés.
- 1173. Abstract of proceedings.
- 1174. Warrants excluded; proviso.
- 1175. Treasurer to prepare bonds; proviso.
- 1176. Coupons.
- 1177. Records of bonds.
- 1178. Expense of preparing bonds.
- 1179. Claims exchanged for bonds.
- 1180. Tax for redemption of bonds; penalty for neglect to levy tax.
- 1181. Advertisement for redemption of bonds; proviso.
- 1182. Record of proceedings.
- 1183. Payment of interest; proviso.
- 1184. Examination, registration, and cancellation of claims.
- 1185. Claims to be funded; exceptions; violation of Act.
- 1186. Claims, when received.
- 1187. Taking effect of Act.
- 1188. Act to be submitted to vote.
- 1189. Votes subject to what rule.
- 1190. Publication of Act before election.
- 1191. Payment of certain claims.
- 1192. Loan Commissioners.
- 1193. To issue bonds; when payable.
- 1194. Coupons.
- 1195. Notice of sale; award.
- 1196. Record of bonds sold.
- 1197. Appropriation for expenses.
- 1198. Proceeds, how applied.
- 1199. Exchange of bonds.
- 1200. Redemption.
- 1201. Taxes to be levied; how applied.
- 1202. Surrender of bonds.
- 1203. Duty of State Treasurer.
- 1204. Payment of interest.
- 1205. When to take effect.
- 1206. To be submitted for ratification.
- 1207. Votes, how canvassed.
- 1208. Publication of Act.

**PUBLIC MONEYS.**

- 1209. Persons or corporations intrusted with State money, and failing duly to account therefor.
- 1210. State debtors to be sued.
- 1211. Certified copy of the account to be evidence.
- 1212. Defendants liable for costs.

SECTION 1213. Costs in cases where evidence adduced previously withheld from Controller.

1214. Controller to keep an account of State debtors, and enforce payment; proviso.

1215. Settlement of accounts by State debtors.

1216. Controller to keep account with Treasurer.

1217. How money drawn from treasury.

1218. Controller's duty respecting orders on treasury, and Treasurer's receipts.

1219. Examination of books and cancellation of warrants.

1220. Errors in accounts to be reported to Legislature.

1221. Treasurer to take charge of moneys.

1222. Controller to furnish County Assessors and Collectors with suitable blanks and books.

1223. Manner of paying moneys into State Treasury.

1224. Requirements of Controller's warrants.

1225. Reports upon contingent expenses.

1226. Unexpended appropriations returned to General Fund.

1227. Legal currency.

1228. Statement of warrants.

1229. Payment at places other than State Treasury.

1230. Application of Act.

1231. Violation of Act.

1232. Payment by officers of same kind of money collected.

1233. Disbursements by officers of same money as received.

1234. Public money to be kept by officers in their own possession.

1235. Violation of Act; proviso.

1236. Repeal of conflicting Acts.

GENERAL AND SPECIFIC FUNDS OF THE STATE.

1237. General Fund.

1238. Proceeds of sales of State lands.

1239. Moneys paid by General Government.

1240. Penalties and forfeitures.

1241. Proceeds of any property of the State.

1242. Specific Funds.

1243. Salaries of Government officers; proviso.

1244. Salaries, when to be paid.

1245. Other charges on General Fund.

STATE SCHOOL FUND.

1246. Preamble.

1247. Bonds to be redeemed for benefit of School Fund.

1248. State school lands to be sold.

1249. Seminary Fund.

1250. Public Building Fund.

1251. Agricultural and Mechanical Arts College Fund.

1252. Swamp Land Fund and Special Reclamation Fund.

**SECTION 1253. Military Fund.**

1254. Appropriation of moneys in the Military Fund.

1255. State Library Fund.

1256. State Sinking Funds of eighteen hundred and fifty-one and eighteen hundred and fifty-two, and Interest Funds of eighteen hundred and fifty-five, and eighteen hundred and fifty-six.

1257. State Prison Fund.

1258. State Hospital Fund.

1259. State Infirmary Fund.

1260. State Wharf and Dock Fund.

1261. San Francisco Harbor Protection Fund.

1262. Insane Asylum Fund.

1263. Swamp Land Fund.

1264. Legislative Fund.

1265. State Capitol Fund.

1266. Levy of tax.

1267. Duration of Act.

1268. Asylum Bond Redemption and Interest Fund.

1269. Soldiers' Relief Fund.

1270. Pacific Railroad Fund.

1271. Line Officers' Relief Fund.

1272. Soldiers' Bounty Fund.

1273. Transfer of Funds.

The various Acts which come under this title are arranged under the following sub-heads:

Civil Loans and War Bonds.

State Funding Acts.

Public Moneys.

General and Specific Funds of State.

As will be observed, several Acts are referred to which have been executed, the object being to preserve and present, so far as practicable, a connected view of legislation on the subject treated of.

**CIVIL LOANS AND WAR BONDS.**

Reference  
to special  
Acts  
relating to  
civil loans  
and war  
bonds.

**1113.**

An Act authorizing a loan of money to pay the immediate demands on the treasury until a permanent Fund can be raised for that purpose, passed January 5th, 1850, p. 458.

This Act authorized a loan of two hundred thousand dollars, for a term not more than twelve nor less than six years, and the issuance of bonds therefor in sums not less than five thousand dollars.

An Act creating a temporary State loan, passed February 1st, 1850, p. 53.

This Act authorized the issuance of State bonds to the amount of three hundred thousand dollars, in sums of one hundred dollars, two hundred and twenty-five dollars, five hundred dollars, and one thousand



dollars, payable in six months, which were to be payable, with interest ~~same~~ at the rate of three per cent per month, to creditors of the State, and receivable for State taxes or dues.

An Act authorizing a loan on the faith and credit of the State, to pay the expenses of the civil government thereof, passed February 27th, 1850, p. 69.

This Act authorized a loan of one million dollars, payable in twenty years, and the issuance of bonds not less than five thousand dollars each, to bear interest not exceeding ten per cent per annum, payable semi-annually in New York.

An Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government, passed February 15th, 1851, p. 520.

This Act authorized a loan of five hundred thousand dollars, payable in ten years, and the issuance of bonds of not less than one thousand dollars each, with interest not exceeding twelve per cent per annum therefor. The Act was repealed, with a saving in favor of the "War Loan Bonds" already issued under it, by Act approved May 3d, 1852, p. 59.

An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey expeditions against the Indians, approved May 3d, 1852, p. 59.

This Act appropriated six hundred thousand dollars, payable in ten years out of moneys that might be appropriated by Congress, and authorized the issuance of bonds in sums of one hundred dollars, two hundred and fifty dollars, five hundred dollars, and one thousand dollars each, bearing seven per cent interest per annum. The Act was amended May 12th, 1853, p. 177.

An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of volunteer rangers under Captain B. Wright and Charles McDermitt, in protecting the overland emigration on the northeastern frontier, approved April 16th, 1853, p. 95.

This Act appropriated twenty-three thousand dollars in the same way, and authorized the issuance of like bonds as the foregoing mentioned Act of May 3d, 1852. It was explained as additional to that Act, May 3d, 1853, p. 134.

An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the County of San Diego, approved May 1st, 1853, p. 225.

This Act appropriated twenty-three thousand dollars, and authorized the issuance of bonds, like the foregoing mentioned Act.

An Act to provide for the redemption of California "war bonds" previous to their maturity, approved May 4th, 1855, p. 241.

This Act required the State Treasurer, as soon as possible after being advised of the payment of the war debt of the State by the United

**Same.** States, to advertise for proposals to surrender war bonds issued under the foregoing mentioned Acts of February 15th, 1851; March 17th, 1851; May 3d, 1852; April 16th, 1853; and May 18th, 1853; and to redeem the same, etc.

An Act concerning the war debt of this State, and providing for the redemption thereof, approved April 19th, 1856, p. 206.

This Act appointed S. B. Smith and J. W. Denver "Commissioners of the War Debt of the State of California," to prosecute the claims of the State for moneys expended or expenses incurred in the suppression of Indian hostilities, etc., and to arrange for the appropriation of such moneys as might be allowed the State to the payment of war bonds issued by the State. The Act provided the mode and manner of the proceedings of the Board at the City of Washington, where it was to organize, and of the redemption of bonds.

An Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April 25th, 1857, p. 262.

This Act appropriates four hundred and ten thousand dollars as a "War Fund," payable out of moneys to be appropriated by Congress, and authorized the issuance of bonds.

It was amended March 30th, 1858, p. 102; again amended April 7th, 1859, p. 173 (the amount here fixed at four hundred and forty thousand dollars); again amended April 27th, 1860, p. 275; again amended May 16th, 1861, p. 409 (the amount here fixed at five hundred and ten thousand dollars); again amended May 12th, 1862, p. 528, and finally with all the amendatory Acts repealed by

An Act relating to the war debt of this State, approved May 6th, 1861, p. 298.

This Act required the Commissioners of the War Debt and the Clerk of said Commissioners, as appointed by the Act of April 19th, 1856, to proceed to the City of Washington and make a settlement with the General Government of the claims of the State in relation to the war debt. It provided for the payment of claimants, cancellation of bonds, and a full report of the Commissioners.

An Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State, approved April 9th, 1862, p. 181.

This Act prescribed the duties of the State Treasurer and Controller, upon the receipt of the amount of United States bonds appropriated by Congress for the payment of expenses incurred in the suppression of Indian hostilities in the State, in relation to advertising for the surrender and redemption of war bonds.

An Act to require the Secretary and Controller of State to turn over all vouchers and certificates, representing unpaid claims for Indian war indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims, of this State, approved May 14th, 1862, p. 537.

The requirements and objects of the Act are sufficiently stated in the title.

An Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, and to indemnify citizens of this State for losses sustained by Indian depredations, approved April 27th, 1863, p. 640. Same.

This Act appropriated one hundred and fifty-four thousand nine hundred and eighty-seven dollars and fifty-eight cents, as a War Fund, payable out of moneys to be appropriated by Congress, and authorized the issuance of bonds.

The Act was repealed by Act approved February 20th, 1864, Stats. 1863-4, p. 99; took effect from passage.

Under an Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, approved May 3d, 1852, p. 59, bonds for the amount of six hundred thousand dollars, payable in ten years, were authorized to issue, and an Act to appropriate money to pay such outstanding Indian war bonds was passed, approved March 28th, 1868, p. 468. Another Act to appropriate money for the payment of such Indian war bonds was passed, approved April 4th, 1870, p. 698.

## STATE FUNDING ACTS.

### *An Act to fund the debt of the State.*

[Passed April 29, 1851, p. 301.]

[Enacting clause.]

1114. SECTION 1. With a view to fund the present debt, and thereafter to collect the revenue of the State in gold and silver only, the Treasurer of the State of California shall cause to be prepared bonds to the amount of seven hundred thousand dollars, in sums of five hundred dollars, bearing interest at the rate of seven per cent per annum from the date of their issue. Three hundred and fifty thousand dollars of said bonds shall be payable in the City of New York, on the first day of March, A. D. one thousand eight hundred and fifty-five, and the remaining three hundred and fifty thousand dollars shall be payable, also, in the City of New York, on the first day of March, A. D. one thou-

Bonds to  
amount of  
\$700,000  
to be  
prepared.

sand eight hundred and sixty-one. The interest accruing on the said bonds shall be due and payable on the first day of January next, after which time the interest shall be due and payable on the first days of July and January of each year. The interest may be made payable either in the City of New York, or at the office of the Treasurer of the State. Said bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treasurer of the State, and shall have the seal of the State affixed thereto.

Coupons for  
interest.

1115. SEC. 2. Coupons for the interest shall be attached to each bond, so that the coupon may be removed without injury or mutilation to the bond; said coupons shall be signed by the Treasurer of the State, and it shall be his duty to advertise in one or more newspapers published in New York and San Francisco, where the interest on said bonds are made payable, at least twenty days immediately preceding the day on which the same shall be due, stating at what office or banking house the said interest will be paid.

Record  
of bonds  
issued.

1116. SEC. 3. It shall be the duty of the Treasurer and Controller of the State, each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Expense of  
preparing  
bonds.

1117. SEC. 4. The Treasurer shall pay out of any moneys in the treasury, not otherwise appropriated, any and all expense that he may incur in having said bonds prepared, the sum so paid out not to exceed two thousand dollars.

Creditor of  
State to be  
paid with  
said bonds.

1118. SEC. 5. From and after the passage of this Act all persons having any indebtedness of this State, either in the form of bonds issued under the Act of the Legislature of this State, entitled "An Act creating a

temporary State loan," approved February first, one thousand eight hundred and fifty, or of State warrants drawn by the Controller of this State upon the Treasurer, shall, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a bond or bonds of the State of California, such as are provided for in the first section of this Act; *provided*, that the amount so presented shall not be less than five hundred dollars; and *provided*, that the said bonds to be issued shall not be other than for the said sum of five hundred dollars each. The Treasurer shall indorse on the back of each bond or warrant redeemed by him the date on which he redeemed the same, from whom received, and also keep a record of the same, giving the number of the bond or warrant, the date of the same, time when redeemed, and the amount. Proviso.

1119. SEC. 6. It shall be the duty of the Governor and Controller to attend, at least once in each month, at the Treasurer's office, to examine all bonds and warrants received by the Treasurer as aforesaid, and to cause the same to be registered and canceled in such manner as to prevent them from being reissued or put in circulation. Examination, registry, and cancellation of bonds received.

1120. SEC. 7. From and after the first day of May next all the revenue of the State, of every nature and description, shall be collected in the legal currency of the United States, or gold dust at sixteen dollars per ounce, troy weight; *provided, however*, that in payment of the ordinary tax for State purposes the bonds issued under the aforesaid "An Act entitled an Act creating a temporary State loan," shall be received as heretofore. Revenue, how to be collected. Proviso.

1121. SEC. 8. From and after the first day of May next the moneys received into the State Treasury shall not be applied to the payment of State indebted- Application of moneys collected.

ness that may have heretofore accrued, except as is herein provided.

Interest  
tax to be  
levied.

1122. SEC. 9. In addition to the ordinary taxes for general State purposes, there shall, this present year and annually thereafter, until the principal and interest on said bonds to be issued shall be fully provided for, by payment or otherwise, as is hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the State, and by the same officers, a special tax, to be called the interest tax, of fifteen cents on each one hundred dollars' worth of taxable property, which tax shall be collected and paid over into the State Treasury in the legal currency of the United States, or in gold dust at sixteen dollars per ounce, troy weight only. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for; *provided, however*, that should said Fund furnish a surplus over and above what it requires for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Proviso.

Provision  
for  
payment  
of interest.

1123. SEC. 10. It shall be the duty of the Treasurer of this State to make certain arrangements for the payment of the interest on the said bonds when the same falls due, at least sixty days before the time of payment; and in event that said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund for such purpose, and in the event that those Funds prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the State.

1124. SEC. 11. It shall be the duty of the said Treasurer to set apart a Fund, to be called the State Sinking Fund. Into this Fund shall be paid:

First—Any and all surplus of the interest, as aforesaid.

Second—Any and all moneys received by the State of California from the United States Government on account of the Civil Fund.

Third—The proceeds of the sales of all lands now held, or that may be hereafter acquired, by this State in her own right, except those reserved by the Constitution for school purposes.

Fourth—Whatever surplus may remain in the General Treasury, accruing from the sources specified in this Act, on the first day of May, A. D. one thousand eight hundred and fifty-two, and on the first day of May in every year thereafter, not otherwise appropriated by law; all of said payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid.

1125. SEC. 12. The moneys paid into the said Sinking Fund shall, as soon and as often as is practicable, be applied to the redemption of said bonds, or be converted by the Treasurer of this State into United States six per cent stocks; and as soon as the United States stocks belonging to the said Sinking Fund shall be equal to the entire issue of State bonds under this Act, the payments to said Sinking Fund shall cease, and all surplus remaining in said Sinking Fund shall be paid into the General State Treasury.

1126. SEC. 13. Full and particular account and record shall be kept by the Treasurer of the condition and business of said Sinking Fund, open at all times to the inspection of the Governor, Controller, and to

any committee appointed by the State Legislature, or either branch thereof.

Credit  
of State  
pledged.

1127. SEC. 14. The faith and credit of the State of California is hereby pledged for the payment of the said bonds, and the interest thereon, and that the provisions and appropriations in this Act made and provided, shall be maintained and applied to the just payment of said bonds and interest.

Employés  
to give  
security.

1128. SEC. 15. The Treasurer of the State having occasion to employ or trust any person or persons in or about the business of the said Sinking Fund, may take for his own security, and for the security of the State, bond and mortgage, to be approved by the Governor, to himself; which bond and mortgage to be approved by the Governor shall be good and sufficient in law, and may be prosecuted in the name of the obligee for his own use, or for the use and benefit of the State of California.

Abstract of  
proceed-  
ings under  
this Act.

1129. SEC. 16. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matters provided for in this Act shall at all times be open to the inspection of any party interested, or to any committee of either branch of the Legislature, or a joint committee of both.

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*An Act supplementary to the foregoing Act.*

[Approved May 4, 1852, p. 17.]

[Enacting clause.]

1130. SECTION 1. Whenever there has accumulated in the "Sinking Fund" provided for by section eleven of "An Act to fund the debt of the State,"

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passed April twenty-ninth, eighteen hundred and fifty-one, a surplus, after payment of interest due, of ten thousand dollars, or more, it shall be the duty of the Treasurer of the State to advertise for the space of one month, in one or more newspapers, for sealed proposals for redemption of the bonds issued in accordance with the Act aforesaid, to the extent of the surplus moneys on hand for that purpose, the amount of which shall be named in said advertisement. Upon the day fixed for the opening of the proposals, the Treasurer and Controller shall proceed to open the same and declare what proposals are made for redemption at the lowest rates of value for said bonds, to the extent of the said surplus moneys on hand for their redemption, and liquidate and pay the same; making the proper registry and cancel thereof. A statement of the amount of bonds so redeemed, together with the amount of moneys used in their redemption, shall be made by the Controller in his annual report to the Governor.

Redemption from Sinking Fund of seven per cent bonds of 1851.

1131. SEC. 2. Whenever there has accumulated in the General Fund a surplus of more than one hundred thousand dollars, over and above the amount of moneys necessary to liquidate the three per cent bonds, issued in accordance with an "Act creating a temporary State loan," passed February first, eighteen hundred and fifty, the said surplus so accumulated shall and hereby is appropriated towards the redemption of the bonds issued in accordance with "an Act to fund the debt of the State," passed April twenty-ninth, eighteen hundred and fifty-one, in the same manner as is provided in section one of this Act.

Redemption from General Fund of seven per cent bonds of 1851.

1132. SEC. 3. No bonds shall be liquidated under the provisions of this Act at a value above par value and interest accrued thereon.

Bonds above par value.

*An Act to fund the indebtedness of the State which has accrued, or may accrue, from April twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of the three per cent bonds.*

[Approved May 1, 1852, p. 13.]

[Enacting clause.]

Issuance  
of \$800,000  
State bonds  
at seven  
per cent.

1133. SECTION 1. With a view to fund so much of the debt of the State as has accrued and remains unpaid since the twenty-ninth day of April, A. D. eighteen hundred and fifty-one, and so much as may accrue up to the thirty-first day of December, eighteen hundred and fifty-two, other than such as by law may be hereafter required to be paid for especial purposes, the Treasurer of the State of California shall cause to be prepared bonds to the amount of six hundred thousand dollars, bearing interest at the rate of seven per cent per annum from the date of their issue, payable in the City of New York or at the State Treasury, at the option of the party or parties to whom it is issued, on the first day of March, Anno Domini eighteen hundred and seventy. The interest accruing on the said bonds shall be due and payable on the first day of July and January of each year. The interest may be made payable either in the City of New York or at the office of the Treasurer of State. Said bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treasurer of the State, and shall have the seal of the State affixed thereto.

Coupons  
for interest

1134. SEC. 2. Coupons for the interest shall be attached to each bond, so that the coupon may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of the State, and it shall be his duty to advertise in one or more newspapers published in

New York and San Francisco, where the interest on said bonds is made payable, at least twenty days immediately preceding the day on which the same shall be due, stating at what office or banking house the said interest will be paid.

1135. SEC. 3. It shall be the duty of the Treasurer and Controller of the State each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Treasurer  
and  
Controller  
to keep  
separate  
records of  
all bonds.

1136. SEC. 4. The Treasurer shall pay, out of any moneys in the treasury not otherwise appropriated, any and all expenses that may be incurred in having said bonds prepared. The sum so paid out not to exceed fifteen hundred dollars.

Expenses  
of prepar-  
ing bonds.

1137. SEC. 5. From and after the passage of this Act, all persons having any indebtedness of this State, which has been or may be contracted for civil purposes, since the twenty-ninth day of April, eighteen hundred and fifty-one, and up to the thirty-first day of December, eighteen hundred and fifty-two, inclusive, in the form of warrants drawn by the Controller of this State upon the State Treasurer, shall, if desired by the holder, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a bond or bonds of the State of California, such as are provided for in the first and second sections of this Act; *provided*, that the amount so presented shall not be in less sums than one hundred dollars; and, *provided*, that the said bonds to be issued shall not be other than for the sums of one hundred, one hundred and fifty, five hundred, or one thousand dollars each. The Treasurer shall indorse on the back of each warrant redeemed by him, the date on which

Bonds for  
Control-  
ler's  
warrants.

Proviso.

Same. he redeemed the same, from whom received, and also keep a record of the same, giving the number of the warrant, date of the same, time when redeemed, and the amount. And the Treasurer of the State shall liquidate none of the aforesaid indebtedness of the State in any other manner than is herein provided, unless otherwise ordered by future enactment; *provided*, that none of the provisions of this Act shall be so construed as to prevent the State Treasurer from receiving State warrants or bonds in payment of school lands, as provided by laws now existing or that hereafter may be passed.

Governor  
and  
Controller  
to examine  
and cancel  
all  
warrants.

1138. SEC. 6. It shall be the duty of the Governor and Controller to attend, at least once in each month, at the Treasurer's office, to examine all warrants received by the Treasurer as aforesaid, and to cause the same to be registered and canceled in such a manner as to prevent them from being reissued, or put in circulation.

Interest  
tax of 1852.

1139. SEC. 7. In addition to the ordinary taxes for general State purposes, there shall annually, after the present year, until the principal and interest of the bonds to be issued under this Act shall be fully provided for, by payment or otherwise, as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the State, as provided for by laws now in force, or which may hereafter be enacted, and by the same officers, a special tax for the funded debt of one thousand eight hundred and fifty-two, to be called the "Interest Tax of One Thousand Eight Hundred and Fifty-two," of ten cents on each one hundred dollars worth of taxable property, which tax shall be collected and paid over into the Treasury of the State, in the legal currency of the United States, or in gold dust at the value for which it may be received in payment of the ordinary taxes of the State.

The Fund derived from this tax shall be applied only Proviso.  
to the payment of the interest to accrue upon the bonds  
herein provided for; *provided*, however, that should  
said Fund furnish a surplus over and above what it  
requires for the payment of said interest, such surplus  
shall be turned over and paid into the Sinking Fund  
herein provided for; and, *provided further*, that if such  
Interest Fund is not sufficient to pay said interest, the  
balance of said interest shall be paid out of the Sink-  
ing Fund provided in the next section; *provided*, the  
interest due for the year one thousand eight hundred  
and fifty-two shall be paid out of the sum set aside by  
section seventeenth of revenue bill for that purpose.

1140. SEC. 8. It shall be the duty of the Treas- Sinking  
Fund of  
1852.  
urer to set apart a Fund, to be called the "Sinking  
Fund," of one thousand eight hundred and fifty-two.  
Into this Fund shall be paid:

First—Any and all surplus of the interest aforesaid.

Second—Any and all moneys received by the State  
of California from the United States Government on  
account of the Civil Fund, after the redemption of  
the bonds of this State, issued in accordance with the  
Act entitled an Act to fund the debt of the State,  
passed April twenty-ninth, eighteen hundred and fifty-  
one, save and except the sum of fifty thousand dollars,  
which shall be retained for the payment of claims  
justly chargeable upon such Civil Fund.

Moneys  
composing  
the Sinking  
Fund.

Third—The proceeds of the sales of all lands that  
may hereafter be acquired by this State, in her own  
right, if any, shall be sold except those reserved for  
school purposes, and the swamp lands, which may be  
received after redemption of the bonds issued under  
Act of twenty-ninth of April, one thousand eight hun-  
dred and fifty-one, hereinbefore mentioned.

Fourth—Whatever surplus may remain in the gen-  
eral treasury, accruing from the sources specified in

this Act, on the first day of July, one thousand eight hundred and fifty-three, and on the first day of July, every year thereafter, not otherwise appropriated by law. All of said payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, or disposed of as herein specified.

Surplus to  
liquidate  
principal.

1141. SEC. 9. Whenever, upon the first day of July, one thousand eight hundred and fifty-three, or upon the first day of July in any subsequent year, there remains a surplus after payment of the interest, as before provided, of twenty thousand dollars, it shall be the duty of the Treasurer to advertise for the space of one month in two newspapers of San Francisco, for sealed proposals for the surrender of bonds issued in accordance with this Act, in such quantity as the holder may desire, not exceeding the amount to be redeemed. He shall state in said advertisements, the amount of money that he has on hand for the purpose of redemption, and he shall accept such proposals, at rates not exceeding par value, as may redeem at the lowest value named for the bonds, until the amount of cash on hand for redemption is exhausted. Upon the redemption of the bonds thus provided for, they shall be canceled in the manner prescribed in the fourteenth section of this Act for the redemption of the three per cent bonds.

Record of  
the Sinking  
Fund.

1142. SEC. 10. Full and particular account and record shall be kept by the Treasurer, of the condition and business of said Sinking Fund, open at all times to the inspection of the Governor and Controller, and to any committee appointed by the Legislature, or either branch thereof.

1143. SEC. 11. The faith and credit of the State of California is hereby pledged for the payment of

the bonds issued under this Act, and the interest thereon, and that the provisions and appropriations in this Act made and provided, shall be maintained and applied to the payment of said bonds and interest.

Pledge of  
faith of  
State.

1144. SEC. 12. The Treasurer of the State, having occasion to employ or trust any person or persons, in or about the business devolved upon him by the provisions of this Act, shall take for his own security and for the security of the State, such security, by bond and mortgage or otherwise, as shall be approved by the Governor; which bond and mortgage, so approved by the Governor, shall be good and sufficient in law, and may be prosecuted in the name of the obligee, for his own use or for the use and benefit of the State of California.

Security  
from  
employés.

1145. SEC. 13. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this Act, shall at all times be open to the inspection of any party interested, or to any committee of either branch of the Legislature, or a joint committee of both.

Abstract of  
proceed-  
ings.

1146. SEC. 14. The Treasurer of the State shall, on or before the thirtieth day of May, one thousand eight hundred and fifty-two, give notice, by publication in one or more newspapers, to the holders of the bonds of this State, issued under an Act entitled "An Act creating a temporary State loan," passed February first, eighteen hundred and fifty, requiring said bonds to be presented at the office of the Treasurer, on the first day of January, one thousand eight hundred and fifty-three, for adjudication and redemption. Upon the receipt or presentation of any such bond or bonds,

Redemp-  
tion of  
bonds.

Same.

at or into the office of the Treasurer of State, he shall take account of such bond, and hand the same to the Controller of State for adjudication, in the usual manner of auditing civil claims against the State. The Controller shall certify, by indorsement upon the back of each bond, the amount due thereon, principal, interest, and total; and such bond so indorsed shall be paid by the Treasurer of State on presentation, on or after said first day of January; and no interest shall accrue on said bonds after that day, unless previously presented. The bonds redeemed, as provided for in this section, shall be immediately canceled by the Treasurer of State.

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*An Act supplementary to the foregoing Act.*

[Approved May 17, 1853, p. 197.]

[Enacting clause.]

Funding of  
warrants  
issued from  
January to  
June, 1853,  
inclusive.

1147. SECTION 1. With a view to fund so much of the civil debt of the State as has accrued and remains unpaid since the thirty-first day of December, A. D. one thousand eight hundred and fifty-two, and so much as may accrue up to the thirtieth day of June, A. D. one thousand eight hundred and fifty-three, inclusive, constituting an indebtedness drawn, payable out of the "General Fund," the Treasurer of State shall cause to be prepared a sufficient number of bonds, having the same forms, guarantees, and provisions as the bonds issued under said Act of May first, one thousand eight hundred and fifty-two, payable at the same time, manner, and with the same rate of interest as is provided by "An Act to fund the indebtedness of the State, which has accrued, or may accrue, from April twenty-ninth, one thousand eight hundred and fifty-one, to December thirty-first, one thousand eight hundred and fifty-two, inclusive, and



to provide for the payment of the three per cent bonds," approved May first, one thousand eight hundred and fifty-two.

1148. SEC. 2. For the purpose of paying the interest and to provide for the Sinking Fund of the funded debt, in accordance with the aforesaid Act, approved May first, one thousand eight hundred and fifty-two, there shall be levied and collected this present year, and every year thereafter, until final payment of the bonds issued in accordance with "An Act to fund the indebtedness of the State which has accrued, or may accrue from April twenty-ninth, one thousand eight hundred and fifty-one, to December thirty-first, one thousand eight hundred and fifty-two, inclusive, and to provide for the payment of the three per cent bonds," approved May first, one thousand eight hundred and fifty-two; and in accordance with this Act, an additional interest tax of ten cents on each one hundred dollars of real or personal property in this State; but this section shall not be so construed as to allow, with any existing or subsequent Act, the collection of more than twenty cents in all upon each one hundred dollars, for the purpose of paying the interest and providing for a Sinking Fund for the funded debt of one thousand eight hundred and fifty-two, and of this Act.

Additional  
interest tax

1149. SEC. 3. The expenses incurred by the Treasurer of State in procuring the blank bonds required by this Act shall be paid out of the General Fund.

Expenses  
of prepar-  
ing bonds.

*An Act in relation to the interest on the funded debt of eighteen hundred and fifty-two.*

[Approved April 26, 1853, p. 118.]

This Act provided that all moneys of the State then in the hands or that should come into the hands of Tax Collectors, Sheriffs, and County Treasurers, prior to September 1st, 1853, should be paid over to the State Treasurer, and by him paid to holders of coupons of bonds of 1852, the surplus to be paid into the General Fund of the State.

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*An Act to fund the indebtedness of the State, existing in the form of State Controller's warrants, drawn upon the Treasurer of State between June thirtieth, eighteen hundred and fifty-three, and July first, eighteen hundred and fifty-five.*

[Approved March 16, 1855, p. 48.]

[Enacting clause.]

Funding of  
State debt.

1150. SECTION 1. That for the purpose of funding so much of the indebtedness of the State as has accrued, and remains unpaid since the thirteenth day of June, one thousand eight hundred and fifty-three, and so much as may accrue up to the first day of July, one thousand eight hundred and fifty-five, as evidenced by State Controller's warrants drawn upon the Treasurer of State; and thereafter to collect the revenue of the State in gold and silver only, the Treasurer of State shall cause to be prepared bonds to an amount not exceeding seven hundred thousand dollars, of the denomination of one hundred, five hundred, and one thousand dollars, bearing interest at the rate of seven per cent per annum from the day of their issue, payable either in the City of New York or San Francisco, or at the State Treasurer's office, at the option of the party or parties to whom such bonds are issued, on the first day of July, one thousand eight hundred and seventy; the interest accruing on said bonds shall be due and pay-

Bonds.

able either in the City of New York or San Francisco, or at the office of the Treasurer of State, on the first days of January and July of each year; *provided*, that the first payment of the interest shall not be made sooner than the first day of January, one thousand eight hundred and fifty-six. Said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of the State affixed thereto. (Amendment approved March 31st, 1855, p. 69.)

Proviso.

1151. SEC. 2. Coupons for the interest shall be attached to each bond, so that the coupon may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State; and it shall be his duty to advertise in one or more papers published in the City of New York and San Francisco, at least twenty days immediately preceding the day on which the same shall be due, stating at what place or house the said interest will be paid.

Coupons  
for interest.

1152. SEC. 3. It shall be the duty of the Treasurer and Controller of the State, each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Records  
of bonds.

1153. SEC. 4. The sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the expense that may be incurred by the Treasurer in having said bonds prepared.

Expenses  
of prepar-  
ing bonds.

1154. SEC. 5. From and after the passage of this Act, all persons having any indebtedness of this State in the form of warrants, drawn by the Controller upon the State Treasurer, between the thirtieth day of

Bonds  
in lieu of  
warrants.

June, one thousand eight hundred and fifty-three, and the first day of July, one thousand eight hundred and fifty-five, shall, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a bond or bonds of the State of California, such as are provided for in the first section of this Act. The Treasurer shall indorse on the back of each warrant so redeemed, the date on which he redeemed the same, and from whom received; he shall also keep a record of the same, giving the number of the warrant, date of the same, and the amount. And the Treasurer shall liquidate none of the aforesaid indebtedness of the State but in the manner herein provided, unless otherwise directed by future enactments; *provided*, this Act shall not prevent or affect the payment of warrants issued under "An Act requiring the Controller to audit certain bills of the members and officers of the present Legislature," finally passed on the first of February, one thousand eight hundred and fifty-five.

**Taxes.** 1155. SEC. 6. For the payment of the principal and interest of the bonds issued under this Act, there shall be levied and collected annually, in the same manner as is provided by law now in force, or which may hereafter be enacted, a tax of six cents on each hundred dollars of taxable property in the State, in addition to the taxes for general State purposes; and the fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for, and the final redemption of the principal of said bonds. And the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act, and the interest thereon; and if necessary, to provide other and ample means for the payment thereof.

1156. SEC. 7. Whenever, on the first day of January or July, one thousand eight hundred and fifty-six, or upon the first day of January or July in any subsequent year, there remains a surplus, after the payments of the interest as hereinbefore provided, of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise for the space of one month, in two newspapers published in English, in the City of San Francisco, and two newspapers published in English in the City of New York, for sealed proposals, for the surrender of bonds issued in accordance with this Act, in such quantity as the holder may desire, not exceeding the amount to be redeemed. He shall state in said advertisement the amount of money that he has on hand for the purpose of redemption, and he shall accept such proposal at rates not exceeding par value, as may redeem at the lowest rates named for the bonds, until the amount of cash on hand for redemption is exhausted.

Advertisement for  
surrender  
of bonds.

1157. SEC. 8. Full and particular account and record shall be kept by the Treasurer, of the condition of the funds collected, in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and to any committee appointed by the Legislature, or either branch thereof.

Record  
of Fund  
collected.

1158. SEC. 9. It shall be the duty of the Treasurer of this State to make arrangements for the payment of the interest of the said bonds, when the same falls due; and in the event said Interest Fund is insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the

Interest.

payment of said interest, and the protection of the credit of the State.

Exami-  
nation,  
registra-  
tion, and  
cancellat-  
ion of  
warrants.

1159. SEC. 10. It shall be the duty of the Governor and Controller to attend at least once in each month at the Treasurer's office to examine all warrants received by the Treasurer as aforesaid, and to cause the same to be registered and canceled in such manner as to prevent them from being reissued or put in circulation.

Bonds of  
employés.

1160. SEC. 11. The Treasurer of State, having occasion to employ or trust any person or persons in or about the business devolved upon him by the provisions of this Act, shall take for his own security, and for the security of the State, such security by bond and mortgage or otherwise, as shall be approved by the Governor; which bonds and mortgages so approved by the Governor, upon the default of the obligor or mortgagor, may be prosecuted in the name of the obligor for his own use, or for the State.

Abstract of  
proceed-  
ings.

1161. SEC. 12. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter, provided for in this Act, shall at all times be open to the inspection of any party interested, or to any committee of either branch of the Legislature, or a joint committee of both.

*An Act to fund the indebtedness of the State now existing in the form of Controller's warrants drawn on the General Fund, or that may be outstanding on January first, eighteen hundred and fifty-seven, or warrants issued for indebtedness accruing prior to January first, eighteen hundred and fifty-seven.*

[Approved April 19, 1856, p. 213.]

[Enacting clause.]

1162. SECTION 1. That for the purpose of funding so much of the indebtedness of the State as remains unpaid on the first of January, one thousand eight hundred and fifty-seven, as evidenced by State Controller's warrants drawn on the General Fund, or warrants issued after first of January, one thousand eight hundred and fifty-seven, for indebtedness which accrued prior to first of January, one thousand eight hundred and fifty-seven, the Treasurer of State shall cause to be prepared suitable bonds, not to exceed the sum of one million five hundred thousand dollars, of the denomination of five hundred and one thousand dollars, bearing interest at the rate of seven per cent per annum from the day of their issue, payable either in the Cities of New York or San Francisco, or at the State Treasurer's office, at the option of the party or parties to whom such bonds are issued, on the first day of July, one thousand eight hundred and seventy-five; the interest accruing on the said bonds shall be due and payable either in the Cities of New York or San Francisco, or at the office of the Treasurer of State, on the first days of January and July of each year; *provided*, that the first payment of the interest shall not be made sooner than the first day of January, one thousand eight hundred and fifty-seven. Said bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treas-

Funding  
debt  
unpaid  
on first of  
January,  
1858.

Bonds.

Proviso.

urer of State, and shall have the seal of State affixed thereto.

Coupons.

1163. SEC. 2. Coupons for the interest shall be attached to each bond so that the coupon may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State, and it shall be his duty to advertise in one newspaper published in the Cities of New York and San Francisco, at least twenty days immediately preceding the day on which the same shall be due, stating at what place or house the said interest will be paid.

Records  
of bonds.

1164. SEC. 3. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Expense of  
preparing  
bonds.

1165. SEC. 4. The sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the expense that may be incurred by the Treasurer in having said bonds prepared.

Bonds  
in lieu of  
warrants.

1166. SEC. 5. From and after the passage of this Act, all persons having any indebtedness of this State, in the form of warrants drawn by the Controller of this State upon the State Treasurer, prior to the first of January, one thousand eight hundred and fifty-seven, or that may be issued after the first of January, one thousand eight hundred and fifty-seven, for indebtedness which accrued prior to January first, one thousand eight hundred and fifty-seven, shall, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a bond or bonds of the State of California, such as are provided for in the first section of this Act. The Treasurer



shall indorse on the back of each warrant so redeemed the date on which he redeemed the same, and from whom received, the number of the bond issued in exchange therefor; the indorsement shall be countersigned by the Controller, and each warrant shall be filed in the office of the Secretary of State. The Treasurer and Controller each, shall also keep a record of the same, giving the number of the warrant, date of the same, and the amount, and the number of the bond issued thereon; and the Treasurer of State shall not liquidate or pay any of the aforesaid warrants or indebtedness of the State but in the manner herein provided.

Records  
of bonds.

1167. SEC. 6. For the payment of the principal and interest of the bonds issued under this Act, there shall be levied and collected annually in the same manner as is provided by law now in force, or which may be hereafter enacted, a tax of ten cents on each one hundred dollars of taxable property in the State, in addition to the taxes for general State purposes; and the Fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act and the interest thereon, and if necessary to provide other and ample means for the payment thereof.

Taxes.

1168. SEC. 7. Whenever, on the first day of January or July, one thousand eight hundred and fifty-seven, or upon the first day of January or July in any subsequent year, there remains a surplus after the payment of the interest as herein before provided, of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise for the space of one month, in one newspaper published in English in the City of

Advertisement  
for  
surrender  
of bonds.

New York, and one newspaper published in English in the City of San Francisco, for sealed proposals for the surrender of bonds, issued in accordance with this Act, in such quantity as the holder may desire, not exceeding the amount to be redeemed. He shall state in said advertisement the amount of money he has on hand for the purpose of redemption, and he shall accept such proposal at rates not exceeding par value, as may redeem at the lowest rates named for the bonds, until the amount of cash on hand for redemption is exhausted.

Records  
of bonds.

1169. SEC. 8. Full and particular account and record shall be kept by the Treasurer of the condition of the bonds collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and to any committee appointed by the Legislature or either branch thereof.

Payment  
of interest.

1170. SEC. 9. It shall be the duty of the Treasurer of this State to make arrangements for the payment of the interest of the said bonds when the same falls due; and in the event said Interest Fund is insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the credit of the State.

Exami-  
nation,  
registra-  
tion, and  
cancellat-  
ion of  
warrants.

1171. SEC. 10. It shall be the duty of the Governor and Controller to attend at least once in each month at the Treasurer's office, to examine all warrants received by the Treasurer as aforesaid, and to cause the same to be registered and canceled in such manner as to prevent them from being reissued or put in circulation.

1172. SEC. 11. The Treasurer of State, having occasion to employ or trust any person or persons in or about the business devolved upon him by the provisions of this Act, shall take, for his own security, and for the security of the State, such security by bond and mortgage, or otherwise, as shall be approved by the Governor, which bonds and mortgages, so approved by the Governor, upon default of the obligor or mortgagor, may be prosecuted in the name of the obligee or mortgagee, for his own use or for the State.

Bonds of  
employés.

1173. SEC. 12. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter, provided for in this Act, shall at all times be open to the inspection of any party interested, or to any committee of either branch of the Legislature, or a joint committee of both.

Abstract of  
proceed-  
ings.

1174. SEC. 13. The provisions of this Act shall not authorize the funding of any of those warrants the registration and indorsement of which were canceled, or required to be canceled, by the provisions of "An Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same," approved January thirtieth, one thousand eight hundred and fifty-six; and said warrants, specified in the last mentioned Act, and all alleged indebtedness on which the same were issued, or in any manner appertaining thereto, are hereby expressly excluded from all the benefits and provisions of this Act; *provided*, that nothing in this Act shall authorize fund-  
ing the indebtedness, unless such indebtedness exist in the shape of Controller's warrants; nor shall the Con-

Warrants  
excluded.

Proviso.

troller issue warrants for any indebtedness, unless such indebtedness is recognized by direct appropriation.

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*An Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose.*

[Approved April 28, 1857, p. 300.]

[Enacting clause.]

Treasurer  
to prepare  
bonds.

1175. SECTION 1. For the purpose of liquidating, funding, and paying the claims against the State of California hereinafter specified, the Treasurer of State shall cause to be prepared suitable bonds of the State of California, not to exceed the sum of three millions nine hundred thousand dollars, bearing interest at the rate of seven per cent per annum from the date of their issue, payable at the State Treasurer's office on the first day of July, one thousand eight hundred and seventy-seven. The interest accruing on said bonds shall be due and payable at the office of the Treasurer of State, on the first day of January and July of each year; *provided*, that the first payment of interest shall be made before the first day of January, one thousand eight hundred and fifty-nine. Said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of the State affixed thereto.

Proviso.

Coupons.

1176. SEC. 2. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State.

Records  
of bonds.

1177. SEC. 3. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing

the number, date, and amount of each bond, and to whom the same was issued, and upon what claim, and its amount; and none of the claims herein specified shall be liquidated or paid but in the manner herein provided.

1178. SEC. 4. The sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the expense that may be incurred by the Treasurer in having said bonds prepared, but the Controller shall not draw his warrant on the treasury for this amount until there is money therein to pay the same.

Expense of  
preparing  
bonds.

1179. SEC. 5. All persons having any of the claims against the State of California entitled to be funded as hereinafter specified, shall, upon the presentation of the same to the Treasurer of State, receive in exchange therefor a bond or bonds of the State of California, provided for in the first section of this Act; but no bond shall be issued for a less sum than five hundred dollars, nor for fractional parts of a hundred dollars, but the Treasurer may issue certificates of such fractional parts not bonded, which said certificate shall be transferable and entitled to be funded as before provided. The Treasurer shall indorse on the back of each claim so received and liquidated the date on which he received the same, and from whom, and the number of the bond issued in exchange therefor, and such claim shall be filed in the office of the Secretary of State.

Claims  
exchanged  
for bonds.

1180. SEC. 6. For the payment, within twenty years, of the principal and interest on the bonds issued under this Act, there shall be levied annually, until the bonds are paid, and promptly collected, in the same manner as is or may be provided by law for ordinary State taxes, a tax of fifteen cents on each one

Tax for  
redemption  
of bonds.

Penalty for  
neglect to  
levy tax.

hundred dollars of the assessed value of real and personal property in the State, and the Fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment, as herein provided, of the bonds issued by virtue of this Act, and the interest thereon; and all moneys that may be received by the State of California from the United States Government on account of the Civil Fund, so called, are hereby irrevocably pledged to the payment of the principal and interest on the bonds issued under this Act. A willful refusal or neglect by the Supervisors, or any other officer, to levy or collect the taxes imposed by this Act, shall be a misdemeanor, and the person or persons convicted thereof shall be removed from office and punished by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment. (Amendment approved March 16th, 1870, p. 319; took effect on passage.)

Advertisement  
for  
redemption  
of bonds.

1181. SEC. 7. Whenever, on the first day of February, in any year, there remains in the Sinking and Interest Fund ten thousand dollars, or more than will pay the interest on the following July, as hereinbefore provided, the Treasurer shall advertise, for the space of one week, in one daily newspaper published in English in the City of New York, and for one month in one daily newspaper in English at the State Capital, for sealed proposals, to be opened one month after the expiration of such publication by the Treasurer, in presence of the Governor or Controller, at the State Capital, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on hand for the purpose of redemption,

and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, Proviso. in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York and one at the Capital of this State, for three months, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, which such Fund is set apart to pay and discharge; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within three months from the expiration of such publication, then such Fund shall remain in the treasury to discharge such bonds whenever presented; but they shall draw no interest after such publication, as last aforesaid. (Amendment approved April 27th, 1860, p. 281.)

1182. SEC. 8. The Treasurer of State shall keep full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature. And all books and papers pertaining to the matters provided for in this Act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both. Record of proceedings.

1183. SEC. 9. It shall be the duty of the Treasurer to pay the interest on said bonds when the same falls due, out of said Interest Fund, if sufficient, and Payment of interest.

**Proviso.** if said Fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.

**Examination, registration, and cancellation of claims.**

1184. SEC. 10. It shall be the duty of the Governor and Controller to attend at least once in each month at the Treasurer's office, while said bonds are being issued, to examine all claims received by the Treasurer as aforesaid, and cause the same to be registered and canceled in such manner as to prevent them from being reissued or put in circulation.

**Claims to be funded.**

1185. SEC. 11. The following are specified as the claims which are entitled to be received and funded under this Act:

First—Civil bonds of the State, issued under the funding Acts passed in the years eighteen hundred and fifty-one, eighteen hundred and fifty-two, eighteen hundred and fifty-three, eighteen hundred and fifty-five, and eighteen hundred and fifty-six, which are now outstanding, with interest due on the same when presented, as appears by the coupons.

**Exceptions** Second—Controller's warrants, drawn under sanction of law for civil expenses, prior to January first, A. D. eighteen hundred and fifty-seven, and now outstanding and unpaid. But the provisions of this Act shall not authorize the funding of any of those warrants, the registration and indorsement of which were canceled or required to be canceled by the provisions of "An Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same," approved January thirtieth, A. D. eighteen hundred and fifty-six, or warrants which have been specifically adjudged illegal by any Court. And all



such warrants specified in the last mentioned Act, are hereby expressly excluded from the benefits and provisions of this Act.

Third—Just or legal claims against the State, accrued prior to January first, eighteen hundred and fifty-seven, and which may be allowed and audited by Act of the Legislature.

And if the Treasurer of State shall willfully issue bonds upon claims not herein specified as receivable, it shall be deemed a misdemeanor, and he shall be punished as provided in section six of this Act, and such bond shall be void.

Violation  
of Act.

1186. SEC. 12. The claims specified in this Act may be received for funding, and bonds therefor may be issued prior to the first day of January, eighteen hundred and fifty-nine, but not afterward, and all claims not presented for funding prior to that time, are excluded from the provisions of this Act, and such blank bonds, prepared under the provisions of this Act, as shall then remain on hand, shall be destroyed in the presence of the Governor, Controller, and Treasurer.

Claims,  
when  
received.

1187. SEC. 13. This Act shall take effect on the first day of November, A. D. eighteen hundred and fifty-seven, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, which shall take effect immediately.

Taking  
effect of  
Act.

1188. SEC. 14. This Act shall be submitted to the people of the State for their ratification, at the next general election, to be holden on the first Wednesday of September, A. D. eighteen hundred and fifty-seven, and the qualified electors of this State shall, at said election, on their ballots, for State officers, vote for or against this Act; those voting for the same,

Act to be  
submitted  
to vote.

shall write or have printed on their ballots, the words "Pay the Debt," and those voting against the same, shall write or have printed on their ballots, the words "Repudiate the Debt."

Votes  
subject to  
what rule.

1189. SEC. 15. The votes cast for and against this Act, shall be counted, returned, and canceled, and declared in the same manner and subject to the same rules as votes cast for the Treasurer of State; and if it appear that a majority of all the votes so cast for or against this law, as aforesaid, are in favor of this Act, then the same shall have effect as herein before provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes so cast are against this Act, then the same shall become void.

Publica-  
tion of Act  
before  
election.

1190. SEC. 16. It shall be the duty of the Secretary of State to have this Act published in one newspaper in each judicial district of this State, if one be published therein, for three months next preceding the general election, to be holden upon the first Wednesday of September next, for which publication no greater allowance shall be made than the rates allowed by law to the State Printer.

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*An Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose.*

[Approved April 30, 1860, p. 352.]

Payment  
of certain  
claims.

1191.

This Act authorized the preparation of State bonds to the amount of two hundred thousand dollars, bearing interest at the rate of seven per cent per annum, payable July 1st, 1880. It required the levy of a tax of one and one quarter per cent; fixes the first day of February or August as the time to advertise for proposals for the surrender of bonds;

limits the funding of claims to January 1st, 1862; provides for its taking effect on January 1st, 1861; its submission to vote at the general election of 1860, and its publication before that election. With these exceptions it is identical in language with the foregoing Act of April 28th, 1857.]

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*An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose.*

[Approved April 2, 1870, p. 646.]

[Enacting clause.]

1192. SECTION 1. For the purpose of liquidating and providing for the payment of the funded indebtedness of the State of California, hereinafter specified, and to lessen the burden of taxation, the Governor of the State, the Controller of State, and the Treasurer of State, and their successors in office, shall constitute a Board of Commissioners, to be styled the Loan Commissioners of the State of California, and shall have and exercise the powers and perform the duties hereinafter provided. Loan Commissioners.

1193. SEC. 2. The said Loan Commissioners are hereby authorized to issue and sell not exceeding three millions seven hundred thousand dollars of the bonds of said State, bearing interest at the rate of six per cent per annum, which interest shall be payable semi-annually in gold coin, on the second days in January and July in each year, at the office of the Treasurer of State. The principal of said bonds shall be made payable in gold coin within twenty years after the date of their issue, and shall be of such denominations as the said Loan Commissioners shall direct, but not less than five hundred dollars; shall bear the date of their issue, and shall be signed by the said Loan Commissioners, and shall have the seal of the State affixed To issue bonds.  
  
When payable.

thereto ; and the faith of the State of California is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

**Coupons.**      1194. SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond; said coupons, consecutively numbered, shall be signed by the Treasurer of the State.

**Notice of sale.**      1195. SEC. 4. Before the sale of any of said bonds, the said Loan Commissioners shall cause notices of such sale to be published, for the space of one month, in three daily newspapers published in English, one in the City of New York, one in the City of London, England, and one in the Capital of the State; in and for the space of one month in a daily newspaper published in French, in the City of Paris, in France, and for the space of one month in a daily newspaper published in German, in the City of Frankfort-on-the-Main, in Germany. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the day and hour of sale, the place of sale, which shall be at the State Capital, and that sealed proposals will be received by the said Loan Commissioners for the purchase of such bonds. Within one month from the expiration of such publication, and on the day and hour named in said notice, the said Loan Commissioners shall open all sealed proposals received by them, and shall award the purchase of said bonds to such bidders as will, in their opinion, make the most advantageous bid for the State ; *provided*, that said Loan Commissioners may reject any or all bids, if they deem it to the advantage of the State; *provided further*, that they may refuse to make any award unless sufficient security shall be furnished by the bidders for the compliance with the terms of their bids; and, *provided further*, that said bonds shall not be sold at

**Award.**

less than ninety-one cents on the dollar, in gold coin, par value.

1196. SEC. 5. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all bonds sold under the provisions of this Act, showing the number, date, amount, and rate of interest of each bond, and to whom the same was issued. Record of bonds sold.

1197. SEC. 6. The sum of one thousand dollars is hereby appropriated out of the General Fund for the payment of the expense that may be incurred by the Loan Commissioners in having such bonds prepared and said notices published. Appropriation for expenses.

1198. SEC. 7. The proceeds of such bonds shall be paid into the State Treasury, and shall be applied to the payment of the following bonds, in the order of their issuance: Proceeds, how applied.

First—The outstanding bonds issued under the Act entitled an Act to provide for certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

Second—The outstanding bonds issued under the Act of eighteen hundred and sixty.

Third—The outstanding Soldiers' Relief Bonds.

Fourth—The outstanding Soldiers' Bounty Bonds.

1199. SEC. 8. All persons having any of the bonds specified in section seven of this Act shall, upon presentation of such bonds to the said Loan Commissioners, be entitled to exchange them at their par value for bonds authorized to be issued under this Act, at the rate of ninety-three cents on the dollar, par value, but no bond shall be issued for a less sum than five hundred dollars, nor for a fractional part of a hundred dollars; but the said Loan Commissioners may issue Exchange of bonds.

certificates of such fractional part not bonded, which said certificate shall be transferable, and entitled to be paid out of the proceeds of the sales of any bonds provided for in section seven of this Act. The Loan Commissioners shall cancel each bond so exchanged, and shall indorse on such bond the date on which they received the same, and from whom, the number and amount of the bond issued in exchange therefor, and shall file such bond in the office of the Secretary of State.

Redemption.

1200. SEC. 9. Whenever there shall be in the State Treasury, from the proceeds of the sale of bonds issued under this Act, a sum of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise in two newspapers, printed in English, one in New York and one in the capital of the State, for two months, which advertisement shall state the amount of money in the treasury applicable to the redemption of bonds, and the number of bonds, numbering therein the order of their issuance, which are redeemable; and three months from the date of the expiration of such advertisement, such bonds, unless sooner paid, shall cease to draw interest, but the money for the redemption of such bonds shall remain in the treasury to pay such bonds whenever presented.

Taxes to be levied.

1201. SEC. 10. For the payment within twenty years of the principal and interest of the bonds issued under this Act, there shall be and is hereby levied annually, after any bonds have been issued under this Act, such rate of tax on each one hundred dollars of the assessed value of real and personal property in the State, to be computed by the Controller of State on the basis of the assessed value of such property for the preceding year, as shall produce annually, for the first five years, seven per centum of the amount of such bonds issued; for the next ten years thereafter,

twelve per centum of the amount of such bonds Same. issued, and thereafter, until all the bonds issued under this Act are paid, fifteen per centum of the amount of such bonds issued. The Controller shall certify the rate of tax thus computed by him to the several County Auditors, and the said Auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other State taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by the provisions of this section shall be paid into the State Treasury, and shall be applied:

First—To the payment of the interest on the bonds How applied. issued by the provisions of this Act.

Second—To the payment of the principal of such bonds.

*Provided*, that all moneys remaining in the State Treasury on the third day of January in each year, for the first five years after the issuance of any bonds under this Act, after all the interest on such bonds then due has been paid, shall be transferred by the Treasurer of State to the General Fund.

1202. SEC. 11. Whenever, on the third day of January or July, in any year, after the expiration of Surrender of bonds. five years from the date of issuance of any bonds under this Act, there remains, after the payment of the interest, as provided in the preceding section, a surplus of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise, for the space of one month, in one daily newspaper published in English in the City of New York, and for one month in

**Same.** one daily newspaper published in English at the State Capital, for sealed proposals, to be opened one month after the expiration of such publication by the Treasurer, in presence of the Governor or Controller, at the State Capital, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on hand for the purpose of redemption; and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, in case a sufficient amount of such bonds shall not be offered, as aforesaid, to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York and one at the capital of this State, for three months, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, which such Fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then such Fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any of said bonds shall be paid, they shall be presented to the Controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering.

**Duty of  
State  
Treasurer.**

1203. SEC. 12. The Treasurer of State shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with



his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this Act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both.

1204. SEC. 13. It shall be the duty of the Treasurer to pay the interest on said bonds, when the same falls due, out of said Interest Fund, if sufficient; and if said Fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.

Payment  
of interest.

1205. SEC. 14. This Act shall take effect sixty days after the next general election, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, which shall take effect immediately.

When to  
take effect.

1206. SEC. 15. This Act shall be submitted to the people of the State for their ratification, at the next general election, and the qualified electors of this State shall, at said election, on their ballots for State officers, vote for or against this Act; those voting for the same shall write or have printed on their ballots the words, "Refund the debt—Yes," and those voting against the same shall write or have printed on their ballots the words, "Refund the debt—No."

To be sub-  
mitted for  
ratification

1207. SEC. 16. The votes cast for and against this Act shall be counted, returned, and canceled, and declared in the same manner and subject to the same

Votes, how  
canvassed.

rules as votes cast for the Treasurer of State; and if it appears that a majority of all the votes so cast for or against this law, as aforesaid, are in favor of this Act, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation hereof; but if a majority of the votes so cast are against this Act, then the same shall become void.

Publica-  
tion of Act.

1208. SEC. 17. It shall be the duty of the Secretary of State to have this Act published in one newspaper in each judicial district of this State, for three months next preceding the next general election, for which publication no greater allowance shall be made than the rates allowed by law to the State Printer.

## PUBLIC MONEYS.

*An Act prescribing the mode of receiving, keeping, and paying out the public funds.*

[Passed January 31, 1850, p. 51.]

[Enacting clause.]

Persons  
or corpo-  
rations  
intrusted  
with State  
money and  
failing duly  
to account  
therefor.

1209. SECTION 1. That whenever any officer, or other person or persons, or corporation, has received moneys belonging to the State, or has been intrusted with the collection, management, or disbursement of any moneys, bonds, or interest accruing therefrom, belonging in like manner to, or held in trust by, the State, and shall fail to render an account thereof to, and make settlement with the Controller, within the time prescribed by law, or when no particular time is specified, shall fail to render such account and make settlement upon being required so to do by the Controller, within twenty days after such requisition, it

shall be the duty of such Controller to state an account of such officer, or person or persons, or corporations, charging twenty-five per cent damages, and interest at the rate of ten per cent per annum from the time of failing to render an account and settle as aforesaid.

1210. SEC. 2. Whenever any officer, or other person or persons, or corporation, shall be indebted to the State, and fail or refuse to make settlement with the Controller, as in this Act required, and shall fail to pay over to the Treasurer, on the printed or written order of the Controller, according to the provisions of this Act, the amount or balance to be paid by such officer, or other person or persons, or corporation, into the treasury, or to such person or persons entitled by law to receive the same within the time prescribed by law, or if no time be prescribed by law, then within twenty days after, the Controller shall notify such officer, or other person or persons, or corporation, to settle and pay the same; said Controller shall, upon being informed or notified, or coming to his knowledge from any source whatever of such failure, cause suit to be instituted against such officer, or other person or persons, or corporation thus in default, for the recovery of the amount thus due and unpaid, with damages and interest thereon.

State  
debtors  
to be sued.

1211. SEC. 3. A copy of the account in such case made out and certified by the Controller, with his official seal affixed thereto, shall be sufficient evidence to support an action in any Court of competent jurisdiction for the amount or balance stated therein to be due, without proof of the signature or official character of such Controller; subject, however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his defense or discharge.

Certified  
copy of the  
account  
to be  
evidence.

Defend-  
ants liable  
for costs.

1212. SEC. 4. The party thus sued shall be subject to the costs and charges of suit, whether the ultimate decision be against him or in his favor, except in cases in which he shall have rendered a true account, and shall also have paid the full amount to the proper person authorized by law to receive the same before the commencement of said suit; or when the suit is brought to recover against a deceased debtor to the State, before the expiration of the time prescribed by law, within which representatives are allowed by law to qualify on estates.

Costs in  
cases where  
evidence  
adduced  
previously  
withheld  
from  
Controller.

1213. SEC. 5. If any defendant in any suit prosecuted at the instance of the Controller under the provisions of this Act, shall at the trial give any evidence which existed prior to the time, and within the knowledge of the defendant at the time of such adjustment and settlement of his accounts, and which was not produced to said Controller at the time of said settlement, such defendant shall be subject to the costs and charges of said suit, whether the ultimate decision be against him or in his favor.

Controller  
to keep an  
account  
of State  
debtors  
and enforce  
payment.

1214. SEC. 6. The Controller shall charge and enter in a proper book or books, to be provided for that purpose, under distinct heads, for each debtor or disburser, or holder of public moneys or dues to the State, of all and every description whatever, with a suitable index arranged in alphabetical order, of all such persons, corporations, States, or the United States, as soon as such liabilities or indebtedness shall come officially to his knowledge, charging such officer, person or persons, corporations, States, or the United States, with the amount or amounts of such liabilities, stating whether such dues be in money, property, or securities of any kind; and particularly of all collectors of the public revenues of the State, and all dues to the State, whether money, property, securities, or

other things from any and all sources whatever; and as soon as the same is due by law, or if no time be stipulated or fixed by law, then as soon after twenty days notice as said Controller shall require the same to be paid, said Controller shall audit and state and require payment thereof; and if not paid, to proceed as directed by this Act by suit for the collection of the same; *provided*, he shall not institute suit against any State or the United States without instructions from the Legislature. Proviso.

1215. SEC. 7. Whenever any such debtor or debtors to the State have any such dues to the State ready to pay over, it shall be the duty of such debtor or debtors to call on the Controller for settlement of his or their account; and after such settlement it shall be the duty of the Controller to issue his written or printed order, beginning with number one and running in numerical order until the end of the fiscal year, and directed to the Treasurer, to receive from such person making such payment, stating in such written or printed order the amount of money to be paid, in such forms as he may prescribe, and hand said written or printed order to such debtor or person offering to pay money, who shall take the same to the Treasurer and pay over to him the amount specified in said written or printed order, and take from the Treasurer a receipt for the said amount; and on the delivery of said receipt to the Controller it shall be his duty to give to said debtor a discharge for the said amount; and the Controller shall immediately charge the Treasurer with the same; and in no case shall a discharge be granted to any debtor but on the delivery to the Controller of the Treasurer's receipt, predicated on a previous and corresponding written or printed order to pay such amount into the treasury in the manner prescribed in this Act. Settlement  
of accounts  
by State  
debtors.

Controller  
to keep  
account  
with  
Treasurer.

1216. SEC. 8. It shall be the duty of the Controller to open and keep in a suitable book or books, to be provided for that purpose, an account with the Treasurer, charging him in the manner hereinbefore prescribed, with all the moneys for which the Treasurer may grant receipts, and with no other.

How  
money  
drawn  
from  
treasury.

1217. SEC. 9. Whenever any person is entitled to draw or to receive any money from the treasury, the Controller shall draw a warrant in his favor on the Treasurer, and deliver the same to the person entitled thereto, taking his receipt for the same in a book of receipts to be provided for that purpose, numbering the receipt the same as the warrant; and shall give the Treasurer credit for all such warrants in the order in which he issues the same, in such manner as to show the date thereof, in whose favor it was drawn, the nature of the claim upon which it is founded, with a reference to the law under which it is drawn.

Control-  
lor's duty  
respecting  
orders on  
treasury,  
and  
Treasurer's  
receipts.

1218. SEC. 10. It shall be the duty of the Controller to number all the written or printed orders he issues to the Treasurer to receive money, beginning with number one at the beginning of each fiscal year, and running in numerical order until the end of that fiscal year, the present fractional year to constitute the first fiscal year. It shall likewise be the duty of the Controller to see, before filing the Treasurer's receipt, that they are numbered with the corresponding number of the written or printed order on which the receipt was predicated, and to number on the back of each receipt the number thereof, and for what fiscal year, and carefully file away and preserve the same.

Examina-  
tion of  
books and  
cancell-  
ation of  
warrants.

1219. SEC. 11. A joint committee of the Legislature, or a committee of either House, shall have power to examine the Controller's and Treasurer's office books and papers, and the joint committee shall cancel such warrants, or written or printed orders

of the Controller, when found correct, up to the end of the preceding fiscal year, in such way as not to render them unintelligible, which shall be carefully preserved by the Controller after such cancellation.

1220. SEC. 12. If errors in the accounts of the Controller or Treasurer shall be detected, amounting, in the opinion of the committee, to malfeasance or misfeasance in office, the said committee shall report the fact to the Legislature or to the House by which the committee was appointed.

Errors in accounts to be reported to Legislature.

1221. SEC. 13. It shall be the duty of the Treasurer to receive and take charge of, and safely keep in his official character, all moneys directed by the Controller, on his written or printed order, to receive into the treasury, crediting the particular Fund therefor, specified in said order, in a proper book or books to be provided for that purpose, and shall grant his receipt to the person paying the same, specifying in said receipt what Fund has credit for it, numbering the receipt the same as the order on which said receipt is predicated, and shall carefully file away and preserve the said orders, indorsing the number thereon. On the payment of any warrant by the Treasurer, drawn by the Controller on him, he shall take the receipt of the person to whom the money is paid, on the back of the warrant, and carefully file away and preserve the same, indorsing thereon the number thereof.

Treasurer to take charge of moneys.

1222. SEC. 14. It shall be the duty of the Controller to provide suitable blanks and books, and furnish the Assessors and Collectors of each county with the same, in such form and manner as will best effect the object of the statutes providing for the assessment and collection of the public revenues of the State.

Controller to furnish County Assessors and Collectors with suitable blanks and books.

An Act to provide for the punishment of embezzlement of public money and other purposes, passed April 10th, 1851, p. 425.

An Act to prevent certain officers from dealing in certain securities or evidences of debt, approved May 4th, 1852, p. 64.

See "OFFICERS."

*An Act concerning the receipts and expenditures of the State.*

[Approved February 7, 1857, p. 16.]

[Enacting clause.]

Manner  
of paying  
moneys  
into State  
Treasury.

1223. SECTION 1. All moneys, and all evidences of indebtedness allowed by law, to be by any person paid for any purpose into the State Treasury, shall be so paid upon the order of the State Controller, as provided in section seventh of "An Act prescribing the mode of receiving, keeping, and paying out the public funds," passed January thirty-first, eighteen hundred and fifty.

Require-  
ments of  
Control-  
ler's  
warrants.

1224. SEC. 2. All warrants drawn by the Controller upon the treasury, must distinctly specify the service or liability for the payment of which they are drawn, and when such service was performed, or such liability accrued; and no warrant shall be drawn on the treasury, except there be an unexhausted specific appropriation by law to meet the same.

Reports  
upon  
contingent  
expenses.

1225. SEC. 3. All officers or others to whom contingent expenses are allowed, shall annually, in the month of December, make a statement in writing to the Governor, verified under oath, of the manner in which the various Contingent Funds allowed them have been expended during the year ending November thirtieth next preceding, specifying the items; and all officers, as above named, going out of office previous to the said time of making said statement, shall make the same up to the time of their going out of office. (Amendment approved March 31st, 1863, p. 141.)



1226. SEC. 4. Whatever surplus of any appropriation, or of any specific Fund which may have been created out of the General Fund, may remain unexpended for the purpose for which the said appropriation was made or said specific Fund was set apart as aforesaid, shall then be transferred and returned to the General Fund.

Unexpended appropriations returned to General Fund.

1227. SEC. 5. All taxes upon real or personal estate, all poll or other taxes, and all licenses levied in whole or in part for the use and benefit of the State, shall be collected and be paid into the State Treasury exclusively, in the legal currency of the United States.

Legal currency.

[Section 6 was repealed by Act approved April 24th, 1858, p. 295, but afterwards declared to be amended as follows:]

1228. SEC. 6. Between the first and fifteenth days of December in each year, the State Controller shall present, in writing, to the Governor, a specific statement of the warrants on the treasury drawn by him during the year ending the thirtieth day of November preceding, showing the date of the warrant, the service or liability for the payment of which the warrant is drawn, the time when such service was performed, as the liability accrued, out of what appropriation drawn, and its amount. (Amendment approved March 31st, 1863, p. 141.)

Statement of warrants

1229. SEC. 7. In all cases when it becomes the duty of the State Treasurer to pay or provide for the payment of money at a place other than at the Treasurer's office, he shall not take any money from the treasury, nor transfer the same, nor make arrangements or contracts for the purpose of making such payment, until within two months next preceding the time when the payment is required to be made.

Payment at places other than State Treasury.

Applica-  
tion of Act.

1230. SEC. 8. All provisions of law hereafter made concerning the State finances or treasury shall be construed to be subject to the provisions of this Act, and to be controlled thereby, unless there be a special provision declaring this Act inapplicable thereto.

Violation  
of Act.

1231. SEC. 9. A willful violation of, or a willful neglect to comply with, the provisions of this Act, shall be a misdemeanor in office, and the offender shall also be subject to impeachment.

An Act to direct the Controller of State in relation to drawing his warrants on the State Treasury, approved February 11th, 1862, p. 4.

An Act to direct the Controller of State in drawing his warrants upon the State Treasurer, approved April 20th, 1863, p. 362.

See "CONTROLLER."

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*An Act to provide for the better keeping, protection, and disbursement of public moneys.*

[Approved March 24, 1863, p. 97.]

[Enacting clause.]

Payment  
by officers  
of same  
kind of  
money  
collected.

1232. SECTION 1. It shall be the duty of every officer intrusted by any law of this State with the collection of any of the public moneys of this State, or the public moneys of any county, or city and county, or township, or district, or municipal corporation, in this State, to pay over in coin such portion of said public moneys as he shall have received in coin, and in paper currency such portion thereof as he shall have received in said currency, to the officer or officers, person or persons, entitled by any law of this State to receive the same.

Disburse-  
ments by  
officers  
of same  
money as  
received.

1233. SEC. 2. It shall be the duty of every officer intrusted by any law of this State with the custody and disbursement of any of the public moneys of this State, or the public moneys of any county, or city and county, or township, or district, or municipal corpora-

tion in this State, to keep and disburse in coin so much of said public moneys as he shall have received in coin; and in paper currency, so much thereof as he shall have received in said currency.

1234. SEC. 3. All officers mentioned in sections one and two of this Act are hereby required to keep all public moneys, while the same are in their custody or under their control, in their own possession; and they are hereby forbidden and prohibited from placing the same, or any part thereof, in the possession of any banker or bankers, or banking firm, or any person or persons whomsoever, to be used by them for any purpose whatever for their own benefit, or for the benefit of any other person or persons; and they are further forbidden and prohibited from loaning, borrowing, or in any manner using said public moneys, or any part thereof, or permitting any other person or persons to use the same, or any part thereof, either with or without interest or other compensation, for any purpose whatever, except as provided by the laws of this State; and they are further forbidden and prohibited from changing or converting said public moneys, or any part thereof, from coin into any paper currency, or from paper currency into any other paper currency or coin.

Public money to be kept by officers in their own possession.

1235. SEC. 4. If any of the officers aforesaid shall violate any of the provisions of this Act, they shall be deemed guilty of felony, and upon conviction thereof in a Court of competent jurisdiction, shall be punished by imprisonment in the State Prison for a period not less than one year nor more than five years, or by fine not less than five hundred dollars nor more than ten thousand; *provided*, nothing in this Act shall be so construed as to prevent any of said officers, ex-

Violation of Act.

Proviso.

cept the State Treasurer, from making special deposits for the safe keeping of the public moneys.

Repeal of  
conflicting  
Acts.

1236. ' SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed; *provided*, that nothing in this Act contained shall be so construed as to release any officer herein named from any liability or penalty which he may have incurred under existing laws.

SEC. 6. This Act shall take effect and be in force on and after thirty days from its passage.

## GENERAL AND SPECIFIC FUNDS OF STATE.

*An Act concerning the revenues, funds, expenditure, and property of the State, and management thereof.*

[Passed February 20, 1850, p. 63.]

[Enacting clause.]

General  
Fund.

1237. SECTION 1. That all money, debts, and other property belonging to the treasury proper, together with the increase and revenue thereof, and the addition which may be made thereto, shall be known and denominated as the General Fund.

Proceeds  
of sales  
of State  
lands.

1238. SEC. 2. All money arising from the sale of any land belonging to the State and not otherwise appropriated, or may hereafter belong to it, shall be paid into the State Treasury and constitute a part of the General Fund.

Moneys  
paid by  
General  
Govern-  
ment.

1239. SEC. 3. All money paid by the General Government from any other source not otherwise appropriated, shall be paid into the State Treasury and constitute a part of the General Fund.

Penalties  
and for-  
feitures.

1240. SEC. 4. All money received by any public officer for penalties or forfeitures, and not especially

appropriated to any other Fund, shall also be deemed to be a part of the General Fund.

1241. SEC. 5. All money received for any property of the State, and not specially appropriated, shall be deemed part of the General Fund.

Proceeds  
of any  
property of  
the State.

1242. SEC. 6. All other Funds not included in the General Fund shall be denominated specific Funds, and kept under appropriate heads by the Controller and Treasurer.

Specific  
Funds.

1243. SEC. 7. There shall be allowed to the several officers and persons, hereinafter mentioned, their annual salaries as established by law, to be paid quarterly out of any moneys in the treasury belonging to the General Fund and not otherwise specially appropriated by law—that is to say, there shall be paid to: First—The Governor, ten thousand dollars; and his Private Secretary such salary as may be fixed by law. Second—To the Secretary of State. Third—To the Controller of State. Fourth—To the Treasurer of State. Fifth—To the Attorney General. Sixth—To the Surveyor General. Seventh—To the Justices of the Supreme Court. Eighth—To the Judges of the District Courts. Ninth—To the Superintendent of Public Instruction. Tenth—To the State translator; *provided*, that nothing contained in this section shall be construed to prevent the Justices of the Supreme Court and the Judges of the District Courts from receiving their first quarterly payment in advance.

Salaries  
of Gov-  
ernment  
officers.

Proviso.

1244. SEC. 8. The salaries specified and fixed by law shall be payable for the present fractional fiscal year on the fifteenth day of February, thirty-first day of March, and thirtieth day of June, the several amounts due respectively on those days, and thereafter in quarterly payments on the last days of September, December, March, and June in every year; all such

Salaries,  
when to  
be paid.

payments shall be made at the treasury on the warrant of the Controller.

[Sections 9 and 10 prescribed the pay of the Lieutenant Governor, Speaker of the House of Assembly, President pro tempore of the Senate, and Speaker pro tempore of the Assembly. They are virtually repealed by the statutes concerning salaries.]

[Sections 11, 12, and 13 were repealed by Act approved May 4th, 1852, p. 47.]

Other  
charges on  
General  
Fund.

1245. SEC. 14. In addition to the salaries and contingent expenses above mentioned, there shall be chargeable to, and from time to time paid out of the General Fund:

First—The compensation fixed in the Constitution, of sixteen dollars per day, to each of the members of the Senate and Assembly while in attendance, and for mileage for traveling to and going from the seat of government—to be computed according to the distance on the route most usually traveled at the season of the year when the Legislature is directed to convene—at the rate of sixteen dollars for every twenty miles; and a like allowance for mileage shall be paid the Lieutenant Governor.

Second—The contingent expenses of each House, certified by the principal officers of each House.

Third—The compensation allowed to the officers of each House, as fixed by each House respectively.

Fourth—The compensation allowed by law for criminal prosecutions, and in keeping and conveying criminals to the place of confinement in the several counties of this State, to be paid on the certificate of the Judges of each Court respectively, where such expenses may be incurred; the expenses of all printing done for the State; all moneys directed by law to be paid out of the treasury, not specially charged to any other Fund.

[The foregoing section has been virtually repealed as to the amount of compensation and mileage, by the laws concerning salaries.]

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## STATE SCHOOL FUND.

*An Act concerning the School Fund of the State of California.*

[Approved April 14, 1863, p. 298.]

1246. WHEREAS, Under authority of an Act, ap- Preamble.  
proved May third, eighteen hundred and fifty-two, to provide for the disposal of the five hundred thousand acres of land granted to this State by an Act of Congress, passed April fourth, eighteen hundred and forty-one, there was received into the treasury, anterior to May first, eighteen hundred and fifty-eight, the sum of four hundred and seventy-five thousand five hundred and twenty dollars, for the sale of a portion of said lands; and, whereas, in said Act, approved May third, eighteen hundred and fifty-two, it was made the duty of the State Treasurer to convert all moneys and other evidences of value therein named, received for sale of said lands, "into bonds of the civil funded debt of the State, bearing seven per cent interest per annum, and to keep such bonds as a special deposit in his custody, marked 'School Fund,' to the credit of said School Fund;" and, whereas, said provision of said Act, approved May third, eighteen hundred and fifty-two, has never been complied with, all receipts for the sale of said lands, anterior to the first day of May, eighteen hundred and fifty-eight, having been placed in the General Fund, and no conversion of such receipts into seven per cent bonds for the School Fund having ever been made; now, therefore, in order to carry into effect the true and just intent of said Act

of May third, eighteen hundred and fifty-two, and to place the School Fund of this State in its proper condition:

[Enacting clause.]

Bonds to be  
redeemed  
for benefit  
of School  
Fund.

1247. SECTION 1. Whenever bonds of this State, issued under authority of an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven, or issued under an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April thirtieth, eighteen hundred and sixty, shall be redeemed under the provisions of said Acts, such bonds to such amount as shall thus be redeemed, with the sum of four hundred and seventy-five thousand five hundred and twenty dollars, shall not be canceled, but shall be kept as a special deposit in the custody of the Treasurer, marked "School Fund," in the same manner and for the same purpose as are the bonds directly purchased for said School Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

A number of the Acts relating to school lands also treat of the School Funds.

See "LANDS OF STATE."

State  
school  
lands to  
be sold.

1248.

An Act to provide for the location and sale of the unsold portion of State school lands, approved April 23d, 1858, p. 248, as well as the Act amendatory thereto, approved February 18th, 1859, p. 33, were repealed by an Act to provide for the management and sale of the State lands, approved March 28th, 1868, p. 507.

An Act to provide for the sale of certain lands belonging to the State, approved April 27th, 1863, p. 591, for the benefit of the fund of the Agricultural College, was repealed by the same Act, approved March 28th, 1868, p. 507.

See "LANDS OF STATE."



## SEMINARY FUND.

1249.

An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April 23d, 1858, p. 248.

Seminary Fund.

See "LANDS OF STATE."

## PUBLIC BUILDING FUND.

1250.

An Act amendatory of and supplemental to the above referred to Act of April 23d, 1858, approved February 18th, 1859, p. 33.

Public Building Fund.

See "LANDS OF STATE."

## AGRICULTURAL AND MECHANICAL ARTS COLLEGE FUND.

1251.

An Act to provide for the sale of certain lands belonging to the State, approved April 27th, 1863, p. 591.

Agricultural and Mechanical Arts College Fund.

See "LANDS OF STATE."

## SWAMP LAND FUND AND SPECIAL RECLAMATION FUND.

1252.

An Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands, donated to the State of California by Act of Congress, approved May 13th, 1861, p. 355.

Swamp Land Fund and Special Reclamation Fund.

An Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh and tide lands, donated to the State of California by Act of Congress, approved May 13th, 1861, p. 355, was repealed by an Act to provide for the management and sale of the State lands, approved March 28th, 1868, p. 507.

See "LANDS OF STATE."

## MILITARY FUND.

1253.

An Act in relation to the militia of the State, approved April 24th, 1862, p. 362.

Military Fund.

See "MILITIA."

*An Act to appropriate certain moneys out of the Military Fund.*

[Approved January 23, 1864; Stats. 1863-4, p. 27.]

[Enacting clause.]

1254. SECTION 1. Any moneys in the State Treasury, belonging to the Military Fund, or which may hereafter be paid into the treasury and become a part of said Military Fund, so far as necessary for that

Appropriation of moneys in the Military Fund.

purpose, is hereby appropriated for the payment of all lawful claims, duly audited and allowed, against said Fund, and for which warrants shall have been drawn or may hereafter be drawn by the Controller of State under the provisions of the Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the military of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three.

SEC. 2. This Act shall take effect immediately.

An Act in relation to the militia of the State, approved April 24th, 1862, p. 362, as well as the Acts amendatory and supplementary thereto, were repealed by an Act concerning the military of the State, approved April 2d, 1866, p. 722.

Fines imposed by military Courts-martial to be paid into Military Fund of State, by Act approved April 2d, 1866, p. 722, Sec. 39.

See "MILITARY."

#### STATE LIBRARY FUND.

State  
Library  
Fund.

#### 1255.

An Act providing a Fund for the use of the State Library, approved May 1st, 1852, p. 44.

See "LIBRARY OF STATE."

#### STATE SINKING FUND OF 1851.

State  
Sinking  
Funds of  
1851-2 and  
Interest  
Funds of  
1855-6.

#### 1256.

See Funding Act of April 29th, 1851, p. 301.

#### STATE FUNDING ACT OF 1852.

See Funding Act of May 1st, 1852, p. 13.

#### INTEREST FUND OF 1855.

See Funding Act of March 15th, 1855, p. 48.

#### INTEREST FUND OF 1856.

See Funding Act of April 19th, 1856, p. 213.

#### STATE PRISON FUND.

State  
Prison  
Fund.

#### 1257.

An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract, approved May 11th, 1853, p. 155.

This Act authorized the issuance of State Prison bonds, the levy and collection of an annual tax of four cents upon each one hundred dollars valuation of taxable property, for State Prison purposes, and the creation therewith of a State Prison Fund.

An Act to authorize the redemption of State Prison bonds, and to

dispose of the special Fund heretofore provided for their redemption, passed April 19th, 1854, p. 27.

This Act directed the Special State Prison Fund to be turned over to and used with the Special Interest and Sinking Fund provided by the Funding Act of 1852.

An Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April 24th, 1858, p. 259.

An Act was passed supplemental to an Act for the government of the State Prison convicts, approved April 24th, 1858, p. 259, to the same effect, and providing for the location of a Branch Prison, approved March 30th, 1868, p. 627.

See "PRISON OF STATE."

STATE HOSPITAL FUND.

1258.

An Act to provide for the indigent sick in the counties of this State, approved April 11th, 1855, p. 67.

State  
Hospital  
Fund.

See "INDIGENT SICK," and "IMMIGRATION."

STATE INFIRMARY FUND.

1259.

An Act to authorize the establishment of County Infirmarys for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April 18th, 1860, p. 213.

State  
Infirmary  
Fund.

An Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April 25th, 1863, p. 458, was amended by exempting from its provisions certain counties of this State, by Act approved March 22d, 1870, p. 351.

See "INFIRMARIES."

STATE WHARF AND DOCK FUND.

1260.

An Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April 24th, 1863, p. 406.

State  
Wharf  
and Dock  
Fund.

See "HARBOR COMMISSIONERS."

SAN FRANCISCO HARBOR PROTECTION FUND.

1261.

An Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April 24th, 1863, p. 406.

San  
Francisco  
Harbor  
Protection  
Fund.

See "HARBOR COMMISSIONERS."

INSANE ASYLUM FUND.

1262.

An Act in relation to the Insane Fund, passed January 28th, 1854, p. 2; and

Insane  
Asylum  
Fund.

An Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April 25th, 1863, p. 458.

An Act in relation to the Insane Fund, passed January 28th, 1854, p. 2, and an Act concerning the Insane Asylum, and to levy a tax therefor, approved April 25th, 1863, p. 458, and an Act amendatory thereof, approved March 31st, 1866, p. 513, and an Act defining the time when reports shall be made by certain officers, so far as the same applies to Insane Asylum officers, approved April 2d, 1866, p. 784, were repealed by an Act concerning the Insane Asylum, approved April 4th, 1870, p. 868.

See "INSANE ASYLUM."

#### SWAMP LAND FUND.

Swamp  
Land Fund

1263.

The principal legislation in regard to this Fund will be found in the Acts concerning swamp and overflowed lands, etc.

See "LANDS."

#### LEGISLATIVE FUND.

Legislative  
Fund.

1264.

The Legislative Fund for the Fourteenth Session of the Legislature was created by an Act to transfer certain funds, passed January 31st, 1863, p. 6, amended, and a special Legislative Fund for the Fifteenth Session of the Legislature created, by Act of January 9th, 1864; Stats. 1863-4, p. 9; amended March 5th, 1864, Stats. 1863-4, p. 148.

#### STATE CAPITOL FUND.

State  
Capitol  
Fund.

1265.

An Act to provide a special Fund for the construction of the State Capitol building, at the City of Sacramento, approved March 27th, 1863, p. 113.

See "REVENUE."

*An Act to provide for the speedy completion of the State Capitol building.*

[Approved March 2, 1866, p. 142.]

[Enacting clause.]

Levy  
of tax.

1266. SECTION 1. An annual ad valorem tax of five cents on each one hundred dollars value of the taxable property in the State, is hereby levied and directed to be collected as other State taxes, and to be paid into the Capitol Fund, and to be used as other moneys of that Fund.

1267. SEC. 2. This Act shall take effect on its passage, and remain in force until the Governor shall

by proclamation declare that the State Capitol and surrounding grounds have been completed; and nothing in this Act shall alter or affect the provisions of any other Act in relation to the construction or providing means for constructing the State Capitol.

Duration  
of Act.

ASYLUM BOND REDEMPTION AND INTEREST FUND.

1268.

An Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April 27th, 1863, p. 583.

See "DEAF, DUMB, AND BLIND."

Asylum  
Bond  
Redemp-  
tion and  
Interest  
Fund.

SOLDIERS' RELIEF FUND.

1269.

An Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April 27th, 1863, p. 662.

See "MILITARY COMPANIES."

Soldiers'  
Relief  
Fund.

PACIFIC RAILROAD FUND.

1270.

An Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April 4th, 1864, Stats. 1863-4, p. 344.

See "PACIFIC RAILROAD."

Pacific  
Railroad  
Fund.

LINE OFFICERS' RELIEF FUND.

1271.

An Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April 4th, 1864, Stats. 1863-4, p. 424.

See "MILITARY COMPANIES."

Line  
Officers'  
Relief  
Fund.

SOLDIERS' BOUNTY FUND.

1272.

An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April 4th, 1864, Stats. 1863-4, p. 486.

An Act granting bounties to the volunteers of this State, to provide for issuance of bonds and for a tax for their payment, approved April 4th, 1864, p. 486, was amended March 16th, 1870, p. 318.

See "MILITARY."

Soldiers'  
Bounty  
Fund.

TRANSFER OF FUNDS.

1273.

Acts to transfer certain Funds have been approved as follows:

To transfer one hundred thousand dollars from Swamp Land Fund to General Fund, January 26th, 1861, p. 4.

To transfer ninety-three thousand six hundred and sixty-six dollars

Transfer  
of Funds.

Same.

and forty-three cents from Swamp Land Fund to General Fund, March 15th, 1861, p. 55.

To transfer one hundred thousand dollars from Swamp Land Fund to General Fund, January 15th, 1862, p. 1.

To transfer eight hundred and sixty-three dollars and twenty-nine cents from Military Fund to General Fund, March 5th, 1862, p. 32.

To transfer one hundred thousand dollars from Swamp Land Fund to General Fund, March 11th, 1862, p. 56; amended March 27th, 1862, p. 93.

To transfer one hundred and eighty thousand dollars from the Swamp Land Fund to Legislative Fund, January 31st, 1863, p. 6; amended January 9th, 1864, Stats. 1863-4, p. 9; and March 5th, 1864, Stats. 1863-4, p. 148.

To transfer eight thousand dollars from Legislative Fund to pay contingent expenses of Senate and Assembly, March 14th, 1863, p. 51.

To transfer five thousand dollars from Legislative Fund to pay contingent expenses of Senate and Assembly, February 10th, 1864, Stats. 1863-4, p. 72.

From Swamp Land Fund to State Capitol Fund, forty thousand dollars, approved March 30th, 1866, p. 465.

From the General Fund to Soldiers' Relief Fund, five hundred and fifty thousand dollars, approved March 31st, 1866, p. 640.

See "SEAT OF GOVERNMENT."

Political Code, Sec. 19, preserves and continues in force all Acts for funding the State debt, or any part thereof, and for issuing State bonds.

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## CHAPTER LXXXII.

### GAME.

SECTION 1274. Reference to Acts, general and special.

Reference  
to Acts,  
general  
and special

#### 1274.

An Act for the protection of game, approved May 1st, 1852, p. 134; amended May 17th, 1853, p. 195; extended March 18th, 1854, p. 43, April 13th, 1854, p. 62, and April 17th, 1855, p. 123, was repealed by the following Act:

An Act for the protection of game, passed May 15th, 1854, p. 262.

An Act supplemental to the foregoing Act of May 15th, 1854, approved April 30th, 1860, p. 344, exempting Los Angeles, San Diego, San Luis Obispo, Mendocino, Santa Barbara, and San Bernardino Counties from the provisions of the Act of May 15th, 1854, was repealed, first in respect to San Luis Obispo County by Act approved March 23d, 1861, p. 63, and afterwards entirely by Act approved April 17th, 1861, p. 185.

Amendment to an Act for the protection of game, passed May 15th, Stats. 1854, p. 262, approved April 4th, 1870, p. 853.

The following local Acts were passed: For the protection of, in Siskiyou County, Stats. 1866, p. 825; to prevent destruction of, in Lake Merritt, Stats. 1870, p. 325.

The last named Act is preserved by the Political Code, Sec. 19. The Penal Code, Secs. 626 to 629, inclusive, "VIOLATION OF LAWS FOR THE PRESERVATION OF GAME AND FISH," supersedes all the general laws above given. See also Civil Code, Secs. 801, 802.

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## CHAPTER LXXXIII.

### GAMING.

SECTION 1275. Reference to Acts.

#### 1275.

An Act to license gaming, passed March 14th, 1851, p. 165, amended April 20th, 1851, p. 166, was repealed by the following Act: Reference to Acts.

An Act to suppress gaming, approved April 17th, 1855, p. 124.

An Act to prohibit gaming, approved April 27th, 1857, p. 267.

An Act to prohibit gaming, approved March 7th, 1860, p. 69.

Amendatory Act, approved April 27th, 1863, p. 723.

These Acts are superseded by the Penal Code, Secs. 330 to 335, inclusive.

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## CHAPTER LXXXIV.

### GAS COMPANIES.

SECTION 1276. Reference to Acts.

#### 1276.

An Act concerning gas companies, approved April 4th, 1870, p. 815.

See "CORPORATIONS."

See also Civil Code, Sec. 286, "AUTHORIZING FORMATION OF GAS CORPORATIONS," and Secs. 628 to 632, inclusive, "GAS CORPORATIONS." Reference to Acts.

Consult Political Code, Secs. 577 to 584, inclusive, "INSPECTORS OF GAS METERS."

See Penal Code, Sec. 496, "Penalty for Stealing Gas."

## CHAPTER LXXXV.

## GAS METERS.

SECTION 1277. Reference to Acts.

Reference  
to Acts.

1277.

An Act to provide for the inspection and sealing of gas meters, and for the protection of consumers of illuminating gas, approved April 27th, 1863, p. 647.

See note to "GAS COMPANIES."

## CHAPTER LXXXVI.

## GAUGER OF WINES AND LIQUORS.

SECTION 1278. Reference to Acts.

Reference  
to Acts.

1278.

An Act to provide for the appointment of a Gauger for the Port of San Francisco, approved May 3d, 1852, p. 131.

An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors, approved March 30th, 1868, p. 606.

## CHAPTER LXXXVII.

## GEOLOGIST OF STATE.

SECTION 1279. Reference to Acts passed.

Reference  
to Acts  
passed.

1279.

An Act to create the office of State Geologist, and define the duties thereof, approved April 21st, 1860, p. 225, and

An Act supplemental to the Act of April 21st, 1860, approved April 25th, 1862, p. 423, and

An Act to appropriate money for the geological survey of the State, approved April 27th, 1863, p. 751.

These Acts appear to have been executed, and were superseded by the following Act:

An Act to create the office of State Geologist, and to define the duties thereof, approved April 4th, 1864, Stats. 1863-4, p. 508.

An Act to continue the geological survey of the State of California, approved March 25th, 1870, p. 383.



Appropriations granted for unpaid expenses, Stats. 1870, p. 317.

Geological collections to belong to University, Stats. 1868, p. 248, Sec. 24.

The Acts above given, which relate to the duties of the State Geologist, are superseded by the Political Code, Secs. 548 to 554, inclusive, "STATE GEOLOGIST."

For appointment of State Geologist and his term of office, see Political Code, Secs. 368 and 369.

The geological survey is continued by the Statutes of 1871-2, p. 355.

## CHAPTER LXXXVIII.

### GRAVEYARDS, CEMETERIES, PEWS, ETC.

SECTION 1280. Reference to Acts passed.

#### 1280.

An Act to protect the bodies of deceased persons and public graveyards, passed February 16th, 1854, p. 6.

Reference  
to Acts  
passed.

An Act to authorize the incorporation of rural cemetery associations, approved April 18th, 1859, p. 281.

An Act to provide for the purchase of a burial place for the use of this State, and for other purposes therein specified, approved April 28th, 1860, p. 328.

An Act exempting lots in cemeteries and pews in churches from levy and forced sale, approved May 20th, 1861, p. 565.

An Act to provide for the maintenance and government of the State burial ground, approved April 2d, 1866, p. 780.

An Act relative to the care and management of the State burial ground, and making an annual appropriation therefor, approved March 29th, 1870, p. 451.

An Act to provide for fencing the plot of ground occupied as a State burial ground, approved March 10th, 1866, p. 193.

See "CORPORATIONS—RURAL CEMETERY ASSOCIATIONS."

See Civil Code, Secs. 608 to 614, inclusive, "CEMETERY CORPORATIONS." The formation of cemetery corporations is authorized by Civil Code, Sec. 286. The unlawful removal of dead bodies from graveyards, etc., is prohibited by the Penal Code, Secs. 290 to 294, inclusive, "VIOLATING SEPULTURE AND THE REMAINS OF THE DEAD."

See, also, for provisions relating to the "STATE BURYING GROUND," Political Code, Secs. 343, 368, 369, and Secs. 3596 to 3597, inclusive.

## CHAPTER LXXXIX.

## GUARDIANS.

## SECTION 1281. Reference to Acts passed.

Reference  
to Acts  
passed.

## 1281.

An Act to provide for the appointment and prescribe the duties of guardians, passed April 19th, 1850, p. 268.

Supplementary section, approved April 30th, 1853, p. 129.

Amendatory Act, approved May 20th, 1861, p. 603.

Supplemental Act of the Act of April 19th, 1850, approved March 27th, 1857, p. 120.

An Act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this State any property to which said ward may be entitled, approved March 13th, 1858, p. 59.

An Act conferring certain powers upon guardians of insane persons, passed March 27th, 1858, p. 98.

Amendatory Act, approved April 27th, 1863, p. 735.

Amendment to Secs. 19 and 37 of an Act to provide for the appointment and prescribe the duties of guardians, passed April 19th, 1850, p. 268, approved April 4th, 1870, p. 791.

An Act supplementary to the Act of 1850, p. 268, approved March 24th, 1866, p. 380.

For special Acts authorizing guardians to sell or lease real estate, see references under the various county heads.

The Civil Code, Secs. 236 to 258, inclusive, "GUARDIAN AND WARD," for the most part supersedes all prior enactments.

Minor authorized to conduct legal proceedings by his guardian, Civil Code, Sec. 42. Appointment of a guardian by the Court supersedes parent, Civil Code, Sec. 204. When guardian may consent to apprentice a ward, Civil Code, Sec. 265.

See, also, for powers and duties of guardian and ward, under the Probate Act of this State, The Code of Civil Procedure, Secs. 1747 to 1809, inclusive, "OF GUARDIAN AND WARD."

Also, see Code of Civil Procedure, Secs. 304, 372, 373, and 843.

## CHAPTER XC.

## HABEAS CORPUS.

## SECTION 1282. Reference to Acts.

Reference  
to Acts.

## 1282.

An Act concerning the writ of habeas corpus, passed April 20th, 1850, p. 334.

Amendatory Act, passed March 31st, 1854, p. 20.

An Act supplementary to the Act concerning the writ of habeas corpus, approved February 2d, 1859, p. 15.

The Penal Code, Secs. 1473 to 1505, inclusive, "OF THE WRIT OF HABEAS CORPUS," supersedes all prior enactment. As to refusal to issue or obey writ, see Penal Code, Sec. 36, and for reconfining persons discharged upon, or concealing person entitled to the benefit of, writ, Penal Code, Secs. 363 and 364; bail on writ, Penal Code, Sec. 1286; jurisdiction of Supreme, District, and County Courts to issue writ, Code of Civil Procedure, Secs. 43, 57, and 85.

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## CHAPTER XCI.

### HARBORS.

SECTION 1283. Reference to Acts.

#### 1283.

An Act for the protection of harbors, approved April 23d, 1861, p. 224. Reference to Acts.

An Act to prevent the owners of sawmills and other persons from obstructing the channels of Humboldt Bay and Harbor, approved March 6th, 1857, p. 66.

See note to "HARBOR COMMISSIONERS."

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## CHAPTER XCII.

### HARBOR COMMISSIONERS.

SECTION 1284. Reference to Acts.

#### 1284.

An Act to provide for the improvement and protection of the wharves, docks, and water front, in the City and County of San Francisco, approved April 24th, 1863, p. 406. Reference to Acts.

An Act amendatory of and supplementary to the foregoing Act of April 24th, 1863, approved March 5th, 1864, Stats. 1863-4, p. 138.

Sections 1 to 12, inclusive, contain the amendments to Secs. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 17, and 20 of the foregoing Act of April 24th, 1863, therein inserted.

An Act to authorize the Board of State Harbor Commissioners to

Reference  
to Acts.

employ counsel in San Francisco, approved March 28th, 1864, Stats. 1863-4, p. 260.

An Act to confer certain powers upon the State Harbor Commissioners, approved March 30th, 1868, p. 715.

An Act conferring further powers upon the Board of State Harbor Commissioners, approved March 20th, 1868, p. 217.

An Act to authorize the Board of State Harbor Commissioners to lease portion of the water front in the City and County of San Francisco, approved April 2d, 1866, p. 853.

An Act to empower the Board of State Harbor Commissioners to lease portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company, approved March 27th, 1868, p. 373.

An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco, approved March 27th, 1868, p. 408.

An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease, approved March 27th, 1868, p. 409.

An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco, approved April 4th, 1870, p. 799.

#### SPECIAL PROVISIONS.

State Harbor Commissioners authorized to make change in line of East street in the City of San Francisco, by Act approved March 22d, 1866, p. 361. State Harbor Commissioners authorized to appraise value of lands granted to Dunphy, Bliss, and others, Act approved March 30th, 1868, p. 625, Sec. 4. When Commissioners to make report, Stats. 1866, p. 784.

The Political Code, Secs. 2521 to 2554, inclusive, "SAN FRANCISCO HARBOR AND STATE HARBOR COMMISSIONERS," and Secs. 2567 to 2572, inclusive, "HARBOR COMMISSIONER FOR THE PORT OF EUREKA," supersede all prior enactments. As to number of members composing each Board, and their terms of office, see Political Code, Secs. 343 to 362.

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## CHAPTER XCIII.

### HARBOR POLICE REGULATIONS.

SECTION 1285. Reference to Acts.

Reference  
to Acts.

1285.

An Act to establish police regulations for the Harbor of the City and County of San Francisco, and to authorize and empower the Board of

Supervisors to regulate the same, approved April 4th, 1864, Stats. 1863-4, p. 446.

See "HARBOR COMMISSIONERS."

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## CHAPTER XCIV.

### HEALTH.

SECTION 1286. Reference to Acts.

#### 1286.

An Act to establish a State Board of Health, approved March 18th, 1870, p. 329. Reference to Acts.

This Act is superseded by the Political Code, Secs. 2978 to 3063, inclusive, "STATE BOARD OF HEALTH." On the general subject of health, see Political Code, Part III, Title VII, Chapter II, Secs. 2978 to 3063, inclusive, "PRESERVATION OF PUBLIC HEALTH."

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## CHAPTER XCV.

### HIDES OF CATTLE.

SECTION 1287. Reference to Acts.

#### 1287.

An Act to provide for the retention of the hides of cattle killed or slaughtered in San Mateo County, approved April 8th, 1862, p. 118, was superseded by the following Act: Reference to Acts.

An Act to provide for the retention of the hides of cattle killed or slaughtered in certain counties in this State, approved April 20th, 1863, p. 359.

Amendatory Act, March 28th, 1864, Stats. 1863-4, p. 261.

An Act for the better protection of stock raisers in the Counties of Fresno, Tulare, Monterey, and Mariposa, approved March 20th, 1866, p. 322. [This Act is specially preserved in force by Political Code, Sec. 19. Being special in its character, only a reference is made to it.]

Hides of cattle slaughtered in Siskiyou to be retained and exhibited, Stats. 1866, p. 333.

## CHAPTER XCVII.

## HOGS.

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HOGS IN MARIN, ALAMEDA, SACRAMENTO, SAN FRANCISCO, STANISLAUS, YUBA, SANTA CLARA, BUTTE, YOLO, SAN MATEO, SANTA CRUZ, SAN JOAQUIN, SAN BERNARDINO, SUTTER, SANTA BARBARA, SAN LUIS OBISPO, LOS ANGELES, TUOLUMNE, HUMBOLDT, MERCED, KLAMATH, AMADOR, SONOMA, PLACER, PLUMAS, AND LASSEN COUNTIES.

*An Act concerning hogs found running at large in certain counties in this State. (Amendment of title approved March sixteenth, eighteen hundred and sixty-three.)*

[Approved April 21, 1856, p. 229.]

[Enacting clause.]

1288. SECTION 1. All hogs found trespassing upon the premises of any person in the Counties of Marin, Alameda, Sacramento, San Francisco, Stanislaus, Yuba, Santa Clara, and Butte, the owner or proprietor of such premises may take up and safely keep, at the expense of the owner or owners thereof, all such hogs so found trespassing. (Amendment approved March 16th, 1863, p. 57; took effect from passage.)

Hogs found  
trespassing

1289. SEC. 2. All persons taking up hogs trespassing upon their lands, whether inclosed or not, shall immediately thereafter post notices in three public places, containing a description of the ear and other marks of such hogs, whereby their owners may identify them as their property.

Posting  
notices.

1290. SEC. 3. If the owners of such hogs come forward within five days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such owners, upon their paying all costs, charges, and damages sustained by reason of their trespassing.

Owners  
may  
redeem.

Sales at  
auction.

1291. SEC. 4. If, however, the owners do not come forward within the five days, then the person taking up such hogs shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auction, after giving five days' notice of such sale, by posting notices in three public places in said

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township, all such hogs so taken up; *provided, however,* that the owners may prove their property and receive it, by paying all costs, charges, and damages, at any time before such sale takes place.

Arbitration  
of charges  
and  
damages.

1292. SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount thereof. Should the owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount.

Fees of  
Constables.

1293. SEC. 6. The fees of the Constable for making sales under the provisions of this Act shall be the same as are allowed by law for sale under execution.

Surplus  
moneys.

1294. SEC. 7. If there should be any surplus money arising from such sales, after paying all costs, charges, and damages, the Constable shall pay the same to the owners of such hogs sold; *provided,* they prove they are entitled to it within ten days after the sale; if not, then he shall pay it to the County Treasurer, taking his receipt for the same.

Disposition  
of  
unclaimed  
surplus.

1295. SEC. 8. All money paid to the County Treasurer under the provisions of this Act shall become a part of the County School Fund.

Refusal to  
pay over  
surplus.

1296. SEC. 9. Any Constable refusing or neglecting to pay to the owners or the County Treasurer the surplus money derived from such sale, shall be liable for the same on his official bond, and shall be deemed



guilty of a misdemeanor, and upon a conviction thereof, shall be punished by fine not exceeding one hundred dollars. (Amendment approved March 20th, 1866, p. 323, superseding amendment approved April 18th, 1859, p. 337.)

The provisions of the above named Act of 1856, p. 229, and the amendment thereto, were approved April 18th, 1859, p. 337, extended and made applicable to Sierra Township, in Sierra County, provided that the provisions of this Act shall not apply to hogs owned by any inhabitants of other townships in said county, unless found trespassing upon grounds in said Sierra Township inclosed by lawful fence. Amendment approved March 31st, 1866, p. 567; took effect from passage.

The provisions of the Act supplementary thereto, approved May 17th, 1861, p. 465, were made to apply to the County of Calaveras, and also to the Townships of Liberty and Trinidad, in the County of Klamath. Amendment approved March 14th, 1870, p. 305.

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*An Act to extend the foregoing Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved March 4, 1857, p. 54.]

[Enacting clause.]

1297. SECTION 1. The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, is hereby extended to and made applicable to the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino, Sutter, Santa Barbara, San Luis Obispo, Los Angeles, and Tuolumne.

Yolo  
County  
and others.

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*An Act to extend the provisions of the Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved February 9, 1858, p. 17.]

[Enacting clause.]

1298. SECTION 1. The provisions of an Act entitled "An Act concerning hogs found running at large

Humboldt  
and  
Merced  
Counties.

in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-six, are hereby extended and made applicable to the Counties of Humboldt and Merced.

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*An Act to extend the Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved April 8, 1859, p. 176.]

[Enacting clause.]

Trinity  
County  
and others.

1299. SECTION 1. An Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, is hereby extended to and made applicable to the Counties of Trinity, Sonoma, Monterey, and Solano.

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*An Act supplementary to the foregoing Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved May 17, 1861, p. 465.]

[Enacting clause.]

Liberty  
Township,  
Klamath  
County.

1300. SECTION 1. The Act to which this Act is supplementary, shall be held and is hereby declared to apply to the Township of Liberty, in the County of Klamath.

SEC. 2. This Act shall take effect and be in force from and after its passage.

An Act to extend the provisions of the Act of April 21st, 1856, approved March 13th, 1862, p. 39, and was repealed by Act approved March 28th, 1868, p. 430; amendment approved April 24th, 1862, p. 330.

*An Act to extend the provisions of the Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved April 21, 1863, p. 580.]

[Enacting clause.]

1301. SECTION 1. The provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, are hereby extended and made applicable to the Townships of Sonoma and Vallejo, in the County of Sonoma; *provided*, that the provisions of this Act shall not apply to any hogs owned by any inhabitant of the County of Sonoma living outside of the Townships of Sonoma and Vallejo, and within one mile of the boundary dividing said Townships of Sonoma and Vallejo from other townships in Sonoma County, unless such hogs are found trespassing upon grounds in said Townships of Sonoma and Vallejo, inclosed by lawful fence.

Sonoma  
and Vallejo  
Townships,  
Sonoma  
County.

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SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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*An Act to prevent hogs running at large in certain counties of this State.*

[Approved March 24, 1864; Stats. 1863-4, p. 227.]

[Enacting clause.]

1302. SECTION 1. All the provisions of an Act entitled an Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco,

Yolo  
County  
and others.

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Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and sixty-three, are hereby extended to the Counties of Sutter (provided, in the County of Sutter, this Act shall only be in force from the fifteenth day of November of each year to the fifteenth day of August following), and San Joaquin, Yolo, San Mateo, Santa Cruz, Santa Barbara, San Luis Obispo, San Bernardino, Tuolumne, and the same are revived and continued in full force in said last named counties.

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*An Act to extend the Act of April twenty-first, eighteen hundred and fifty-six.*

[Approved April 1, 1864; Stats. 1863-4, p. 290.]

[Enacting clause.]

Placer,  
Plumas,  
and Lassen  
Counties.

1303. SECTION 1. The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and amended March fourth, eighteen hundred and fifty-seven, to extend to the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino, Sutter, Santa Barbara, San Luis Obispo, Los Angeles, and Tuolumne, is hereby extended to and made applicable to the Counties of Placer, Plumas, and Lassen.

SEC. 2. This Act shall be in force from and after its passage.

HOGS IN COLUSA, TEHAMA, NAPA, MONTE-  
REY, TULARE, EL DORADO, SOLANO, AND  
CONTRA COSTA COUNTIES.

*An Act concerning hogs found running at large in the  
Counties of Colusa, Tehama, Butte, Sonoma, and  
Napa.*

[Approved March 26, 1857, p. 106.]

[Enacting clause.]

1304. SECTION 1. All hogs found trespassing upon the premises of any person or persons in the Counties of Tehama, Colusa, Butte, Napa, and Sonoma, between the first day of March and the first day of September of each year, the owner or proprietor of such premises may take up and safely keep, at the expense of the owner or owners thereof, all such hogs so found trespassing.

Hogs  
trespassing  
may be  
taken up.

1305. SEC. 2. All persons taking up hogs trespassing upon their lands, whether inclosed or not, shall, immediately thereafter, post notices in three of the most public places in the township in which such persons reside, containing a description of the ear and other marks of such hogs, whereby the owners may identify them as their property.

Notice  
given.

1306. SEC. 3. If the owners of such hogs come forward, within five days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such owners, upon their paying all costs, charges, and damages sustained, by reason of their trespassing.

Owners  
may  
reclaim.

1307. SEC. 4. If, however, the owners do not come forward within the five days, then the person taking up such hogs shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auc-

Auction  
sales.

tion, after giving five days notice of such sale by posting notices in three public places in said township, all such hogs so taken up; *provided*, however, that the owners may prove their property and receive the same by paying all costs, charges, and damages at any time before such sale takes place.

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Arbitration  
of charges  
and  
damages.

1308. SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount thereof; should the owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount.

Fees.

1309. SEC. 6. The fees of the Constable for making sales under the provisions of this Act, shall be the same as are allowed by law for sale under execution.

Surplus  
paid owner

1310. SEC. 7. If there should be any surplus money arising from such sales, after paying all costs, charges, and damages, the Constable shall pay the same to the owners of such hogs sold; *provided*, they prove they are entitled to it, within fifteen days after sale; if not, then he shall pay it to the County Treasurer, taking his receipt for the same.

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Disposition  
of  
unclaimed  
surplus.

1311. SEC. 8. All moneys paid into the County Treasury, under the provisions of this Act, shall become a part of the School Fund.

Refusal to  
pay over  
surplus.

1312. SEC. 9. Any Constable refusing or neglecting to pay to the owners, or County Treasurer, the surplus derived from such sale, shall be liable for the same, on his official bond, and shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine, not exceeding one hundred dollars.

1313. SEC. 10. All Acts, or parts of Acts, inconsistent with the provisions of this Act, so far as regards the within named counties, be and the same are hereby repealed. This Act to take effect and be in force from and after its passage. Repeal.

An Act concerning hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October in each year, approved May 2d, 1861, p. 271, was superseded by the following Acts relating to Monterey County, approved March 23d, 1868, p. 235, and to Contra Costa County by Acts approved April 27th, 1863, p. 774, and also March 23d, 1868, p. 239.

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*An Act concerning hogs found running at large in the  
County of Monterey.*

[Approved March 23, 1868, p. 235.]

[Enacting clause.]

1314. SECTION 1. Any person or persons, the owner, proprietor, or occupant of any premises in the County of Monterey, whether such premises be inclosed or not, may take up any and all hogs found trespassing on his, her, or their premises, and safely keep the same at the expense of the owner or owners of such hogs so found trespassing. Monterey  
County.

1315. SEC. 2. All persons taking up hogs found trespassing upon their lands, or upon lands upon which they are occupants, whether such lands be inclosed or not, shall immediately thereafter post written notices in three public places in said county, containing the ear mark and other marks of such hogs, whereby their owners may identify them as their property. Notice.

1316. SEC. 3. If the owners of such hogs come forward within five days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such Released.

owners, upon their paying all costs and charges and damages sustained by reason of their trespassing.

**Sold.**        1317. SEC. 4. If, however, the owners do not come forward within five days after posting such notices, then the person taking up such hogs shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auction, after giving five days notice of such sale by posting notices of such sale in three public places in said township, all such hogs so taken up; *provided*, however, that the owners may prove their property and take and receive the same by paying all costs, charges, and expenses of keeping, and all damages accruing by reason of such trespass, at any time before such sale takes place.

**Costs.**        1318. SEC. 5. If the parties cannot agree as to the amount of costs, charges, and expenses and damages, then each party may choose one disinterested person, and they may choose a third person, and the three persons so chosen shall determine the amount thereof. Should the owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount.

**Fees.**        1319. SEC. 6. The fees of Constables for making sales under the provisions of this Act, shall be the same as are allowed by law for sale under execution.

**Surplus.**     1320. SEC. 7. If there should be any surplus money arising from such sales after paying all costs, charges, and expenses, and damages, the Constable shall pay the same to the owners of such hogs sold, provided they prove they are entitled to it within twenty days after the sale; if not, then he shall pay it to the County Treasurer of said county, taking his receipt for the same.



1321. SEC. 8. All money paid to the County Treasurer, under the provisions of this Act, shall become a part of the County School Fund.

Money paid to County Treasurer. Disposition of.

1322. SEC. 9. Any Constable refusing or neglecting to pay the owners, or the County Treasurer, the surplus of money derived from such sale, shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars.

Default in paying.

1323. SEC. 10. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as regards the County of Monterey, are hereby repealed. This Act shall take effect and be in force from and after its passage.

Repeal of inconsistent Acts.

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*An Act concerning hogs running at large in the County of Contra Costa.*

[Approved April 27, 1863, p. 774.]

[Enacting clause.]

1324. SECTION 1. Any hog or hogs found trespassing upon the premises of any person or persons in the County of Contra Costa, may be taken up by the owner or owners of such premises, and safely kept, at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth sections of an Act of March twenty-sixth, eighteen hundred and fifty-seven, concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa.

Contra Costa County

SEC. 2. All Acts or parts of Acts in conflict with this Act, so far as relates to the County of Contra Costa, are hereby repealed.

*An Act to prevent hogs from running at large in the  
County of Contra Costa.*

[Approved March 23, 1868, p. 239.]

[Enacting clause.]

Owners to  
restrain.

1325. SECTION 1. It shall be unlawful for any owner or owners of any hog or hogs, shoats or pigs, to permit the same to roam at large upon any public or private road or street, or upon any open common in said County of Contra Costa; and every owner or owners of any hog or hogs, shoats or pigs, in said county, is by this Act required to restrain and keep the same from running at large upon any public or private road or street, or any open common in said county.

SEC. 2. This Act shall take effect within twenty days from and after its passage.

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*An Act submitting to the qualified electors of Tulare  
County the question of permitting hogs to run at large  
in certain portions of said county.*

[Approved May 17, 1861, p. 411.]

[Enacting clause.]

Tulare  
County.

1326. SECTION 1. The provisions of an Act concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Napa, and Sonoma, approved twenty-sixth March, eighteen hundred and fifty-seven, is hereby made applicable to all that portion of Tulare County lying north of the dividing ridge between the Tule River and Deer Creek, in said county; *provided*, the qualified voters of that portion of Tulare County, recited in this section, shall, by a majority of said electors, vote in favor thereof at the next general election for members of Assembly; *provided*, that the provisions of this Act shall not be in force during the

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months of September, October, and November of each year.

[Sections 2, 3, and 4, provided, that such question should be submitted to the qualified voters of the district affected, at the next general election, and if the question was decided affirmatively, the provisions of the Act of March 26th, 1857, referred to, should go into operation on March 1st, 1862. This Act took effect from passage.]

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*An Act concerning hogs running at large in Tulare County.*

[Approved April 15, 1862, p. 241.]

[Enacting clause.]

1327. SECTION 1. The provisions of an Act concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Napa, and Sonoma, approved March twenty-sixth, eighteen hundred and fifty-seven, are hereby made applicable to all that portion of Tulare County lying between the foothills of the Sierra Nevada Mountains, to within five miles of, and around Tulare, Kern, and Buena Vista Lakes, and tule lands between said lakes. Same.

Sections 2, 3, 4, and 5 provided for the submission of the question to the qualified voters of said district at the next general election. If the majority decided affirmatively, the provisions of the Act of March 26th, 1857, referred to, was to go into effect from February 1st, 1863; if negatively, the foregoing Act of May 17th, 1861, was to cease to be in force and effect in said county. This Act took effect from passage.

*An Act concerning hogs running at large in the County of El Dorado.*

[Approved March 25, 1862, p. 85.]

[Enacting clause.]

El Dorado  
County.

1328. SECTION 1. All hogs found trespassing upon the premises of any person or persons in the County of El Dorado, may be taken up by the owner or proprietor of such premises, and safely kept, at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of sections two, three, four, five, six, seven, eight, and nine, of an Act entitled an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven.

SEC. 2. This Act shall take effect from and after its passage.

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*An Act concerning hogs running at large in the County of Solano.*

[Approved April 10, 1862, p. 214.]

[Enacting clause.]

Solano  
County.

1329. SECTION 1. Any hog or hogs found trespassing upon the premises of any person or persons in the County of Solano, may be taken up by the owner or owners of such premises, and safely kept at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth sections of an Act of March twenty-sixth, eighteen hundred and fifty-seven, concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa; *provided*, this Act shall not be in force as to any hog or hogs owned in said Solano

County between the fifteenth day of August and the thirty-first day of December of each year. (Amendment approved April 4th, 1864; Stats. 1863-4, p. 448.)

1330. SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as they relate to Solano County, are hereby repealed. (Amendment approved April 4th, 1864; Stats. 1863-4, p. 448.)

Repeal of  
conflicting  
Acts.

Records of slaughtered hogs to be kept in certain counties by Act approved March 20th, 1866, p. 322. In Siskiyou County, subject to the Act concerning marks and brands, approved March 20th, 1866, p. 332.

The Acts relative to hogs running at large seem to be continued in force by Political Code, Sec. 19, Subd. 23, which preserves "all Acts in relation to 'LAWFUL FENCES,' 'ESTRAYS,' and 'THE TRESPASSING OF ANIMALS UPON PRIVATE PROPERTY,' " etc.

## CHAPTER XCVII.

### HOME OF THE INEBRIATE.

SECTION 1331. Reference to special Acts.

1332. Annual report of Directors of Home.

#### 1331.

An Act appropriating moneys for the benefit of the Home for the Care of Inebriates, in the City and County of San Francisco, approved April 19th, 1861, p. 205.

Reference  
to special  
Acts.

This Act appropriated two thousand dollars to the institution named in the title, and required the President and Treasurer thereof to report to the Legislature a sworn detailed statement of, and to execute a bond for, its faithful expenditure and application.

An Act appropriating money for the erection of a building in the City of San Francisco, for the use of the Home for the Care of the Inebriates, approved May 2d, 1862, p. 488.

This Act appropriated five thousand dollars for the purpose of erecting a building, to be used as a home and hospital for the care of inebriates; made provision against its being used or occupied for any other purpose, and required the President and Treasurer to report, and execute a bond for the faithful expenditure and application of the money appropriated. This Act contains the following section of a general nature:

1332. SECTION 4. Said building shall always be kept open for the reception and care of inebriates,

Annual  
report of  
Directors  
of Home.

both male and female, of every nationality and sect, from all parts of the State, free of charge for their support, care, or medical attendance while they necessarily remain therein. The Board of Managers of said institution are hereby required to report, annually, to the Legislature of this State, on the meeting thereof, the condition of said institution, together with a tabular statement showing the number of inmates received into the Home for the year, their nationality, age, sex, place of residence, occupation, and, as far as may be, the numbers that have become reformed by its influence; also, a detailed account of the expense of maintaining the institution; *provided*, that nothing herein contained shall be taken to imply an obligation on the part of the State to contribute to the support of said institution further than by the appropriation named in this Act.

The Acts relative to this subject are continued in force by the Political Code, Sec. 19, Subd. 10.

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## CHAPTER XCVIII.

### HOMESTEAD.

#### SECTION 1333. Reference to Acts.

Reference  
to Acts.

#### 1333.

An Act to exempt the homestead and other property from forced sale in certain cases, passed April 21st, 1851, p. 296.

An Act to amend the foregoing Act of April 21st, 1851, approved April 28th, 1860, p. 311. [Amendment approved May 12th, 1862, p. 519; took effect from passage.]

An Act amendatory of and to extend the provisions of the Act of April 28th, 1860, approved April 24th, 1861, p. 232.

An Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May 20th, 1861.

See "CORPORATIONS."

An Act relating to homesteads, approved March 9th, 1868, p. 116.

The Acts in relation to homesteads are superseded by the Civil Code, Secs. 1237 to 1269, inclusive, "HOMESTEADS."

See, also, Code of Civil Procedure, Secs. 1474 to 1486, inclusive, "OF THE HOMESTEAD" (estates of deceased persons).

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## CHAPTER XCIX.

### HOSPITALS.

SECTION 1334. Reference to Acts.

#### 1334.

A number of Acts relating to the establishment of State hospitals at the Cities of San Francisco, Sacramento, and Stockton, extending from 1850 to 1855, inclusive, all of which have been either repealed or fully executed, will be found referred to under the heads of "SAN FRANCISCO, CITY AND COUNTY," "SACRAMENTO COUNTY," and "SAN JOAQUIN COUNTY, STOCKTON," respectively.

Reference  
to Acts.

An Act to provide for the indigent sick in the counties of this State (providing for a State Hospital Fund), approved April 11th, 1855, p. 67.

See "INDIGENT SICK."

An Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled "An Act to provide for the indigent sick in the counties of this State," approved April 18th, 1860, p. 213.

See "INFIRMARIES."

Right of municipal authorities to erect hospitals—Political Code, Sec. 4408.

Hospitals may be established in time of epidemics—Political Code, Secs. 3022 and 3045.

Persons dying in hospitals may be dissected—Political Code, Sec. 3094.

See "HEALTH."

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## CHAPTER C.

### HUMBOLDT COUNTY.

SECTION 1335. Reference to special and local Acts.

#### 1335.

Relating to appointment of pilots for Bay and Harbor of Humboldt, Stats. 1851, p. 325.

Reference  
to special  
and local  
Acts.

Dividing Trinity County and forming new county out of western portion of same, to be called Humboldt, Stats. 1853, p. 161.

Reference  
to special  
and local  
Acts.

Boundaries and seat of justice, Stats. 1853, p. 161; 1856, p. 37; 1862, p. 6.

To prevent persons obstructing channels of Humboldt Bay and Harbor, Stats. 1853, p. 192.

Providing for restoration of certain books, records, maps, and papers to Humboldt County now held by Trinity County, Stats. 1854, p. 36.

Authorizing A. H. Murdock and others to build wharf at Union, Stats. 1854, p. 65.

Authorizing W. Roberts and others to build wharf at Bucksport, Stats. 1854, p. 225.

To fund that portion of debt of Trinity County accruing previous to May 12th, 1853, apportioned to Humboldt County, etc., Stats. 1854, p. 253.

Providing for disposal of lots in towns and villages on public lands, Stats. 1855, p. 168; 1856, p. 75; 1857, p. 241; 1860, p. 5.

Incorporating Town of Eureka, Stats. 1856, p. 103; 1857, p. 22; 1859, p. 192; 1862, p. 55; 1863-4, p. 165.

Creating Board of Commissioners to examine and report claims of citizens for services rendered and supplies furnished in suppressing Indian hostilities, Stats. 1856, p. 109.

Concerning Courts authorized to be held by County Judge, Stats. 1856, p. 144.

Fixing compensation of County Judge and District Attorney, Stats. 1857, p. 14.

Legalizing and confirming election of Board of Trustees of Eureka, Stats. 1857, p. 22.

To prevent owners of sawmills and others obstructing channels of Humboldt Bay and Harbor, Stats. 1857, p. 66.

To cede certain property to Eureka, Stats. 1857, p. 76.

Authorizing Board of Supervisors to levy special tax for certain purposes, and to provide for collecting same, Stats. 1857, p. 204; 1858, p. 24.

Incorporating Town of Union, Stats. 1858, p. 7; 1860, p. 109.

Regulating fees of County Surveyor, Stats. 1858, p. 19.

Reducing amount of bonds to be given by county officers, Stats. 1858, p. 206.

Concerning office of Public Administrator, Stats. 1858, p. 297; 1859, p. 24.

Providing for payment of debt that existed on December 31st, 1857, Stats. 1858, p. 338; 1859, p. 130.

Concerning jurors, Stats. 1859, p. 51.

Regulating salmon fisheries on Eel River, Stats. 1859, p. 298.

Authorizing county to retain State's portion of poll tax, etc., to be applied to construct and improve wagon road from Cloverdale to Yreka, Stats. 1859, p. 323.

Concerning roads and highways, Stats. 1860, p. 42; 1861, p. 475.

To establish pilots and pilot regulations for Humboldt Bay and Bar, Stats. 1860, pp. 74, 210.



- Changing name of Town of Union to that of Town of Arcata, Stats. 1860, p. 109.
- For the survey of logs, Stats. 1860, p. 154.
- Declaring certain streams and sloughs navigable, Stats. 1860, p. 159.
- For the relief of sureties on official bonds of Jesse Wells, late Treasurer, Stats. 1860, p. 207.
- Road from Bearding's Store to Singley's Creek declared public highway, Stats. 1861, p. 259.
- Authorizing R. M. Williams to remove certain human remains, Stats. 1861, p. 408.
- For relief of Peter Lothian, former Sheriff, Stats. 1862, p. 52.
- For payment of expenses incurred in suppression of Indian hostilities, Stats. 1862, p. 54.
- Authorizing Board of Supervisors to levy special tax, Stats. 1863, p. 299.
- Creating Contingent Fund, Stats. 1863-4, p. 10.
- Authorizing Board of Supervisors to annul certain bonds, Stats. 1863-4, p. 459.
- Levy additional tax for road purposes, Stats. 1865, p. 8; continued in force, Stats. 1868, p. 9, and repealed, Stats. 1870, p. 314.
- To annul certain bonds, Stats. 1866, p. 47.
- Relief of parties entitled to county warrants, Stats. 1866, p. 175.
- Pay for jurors and witnesses in criminal cases, Stats. 1866, p. 193.
- Fees and percentage of Tax Collector, Stats. 1866, p. 233.
- Road franchise to T. A. Linn and others, Stats. 1866, p. 287.
- Exempted from provisions of road law, Stats. 1866, p. 381.
- Road franchise to W. Codington and others, Stats. 1866, p. 480.
- To levy special tax, Act repealed, Stats. 1870, p. 31.
- Act concerning jurors, Stats. 1868, p. 39.
- Public and private roads, Stats. 1868, p. 158; 1870, pp. 231, 310.
- Indigent sick, Stats. 1868, pp. 10, 348; Stats. 1870, p. 91.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Bond of County Clerk and Treasurer, Stats. 1868, p. 550.
- To issue bonds in aid of wagon and turnpike road, Stats. 1868, p. 541.
- Tax for payment of bonds, Stats. 1868, p. 547.
- To levy special taxes for certain purposes, Stats. 1870, p. 31.
- Duties of Wagon Road Commissioners, Stats. 1868, p. 545.
- Act in relation to herding sheep, Stats. 1870, p. 304.
- Supervisors, when to meet, Stats. 1868, p. 681.
- To transfer money from Building Fund to Road Fund, Stats. 1870, p. 394.
- To aid construction of wagon road from Round Valley, Stats. 1870, p. 503.
- To aid in construction of telegraph line, Stats. 1870, p. 508.
- Changing time for settlement with State, Stats. 1870, p. 424.
- To provide for auditing claims and reduction of taxation, Stats. 1870, p. 546.
- To create Board of Harbor Commissioners for Port of Eureka, Stats. 1870, p. 744.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

## TOWN OF ARCATA.

To legalize election of officers, Stats. 1868, p. 122.

## TOWN OF EUREKA.

To legalize election of officers, Stats. 1868, p. 169.

Additional powers on Boards of Trustees, Stats. 1870, p. 395.

To legalize survey of Clark's addition, Stats. 1870, p. 395.

## TOWN OF UNION.

Incorporation Act amended, Stats. 1870, p. 414.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CI.

## HUSBAND AND WIFE.

SECTION 1336. Reference to Acts.

## 1336.

Reference  
to Acts.

An Act defining the rights of husband and wife, passed April 17th, 1850, p. 254. [Amendment approved May 12th, 1862, p. 512.]

An Act in respect to insurance for lives for the benefit of married women, passed May 11th, 1854, p. 160.

An Act to authorize married women to convey real estate held by them in their own right, approved February 14th, 1855.

An Act to authorize married women to execute powers of attorney, approved April 3d, 1863.

See "CONVEYANCES."

An Act to prevent the fraudulent conveyance or incumbrance of real estate by married women, approved April 27th, 1863. Reference to Acts.

See "FRAUDULENT CONVEYANCES AND CONTRACTS."

An Act entitled an Act in respect to insurance for lives for the benefit of married women, passed May 11th, 1854, p. 160, was repealed by Act providing for the incorporation of mutual insurance companies for the insurance of life and health and against accidents, approved April 2d, 1866, p. 752.

See "CORPORATIONS," Title "INSURANCE."

An Act to authorize the husband and wife to become witnesses in criminal actions, approved January 31st, 1866, p. 46.

See "CRIMES AND PUNISHMENTS;" "WITNESSES."

The various Acts in relation to husband and wife are superseded by the Civil Code, Secs. 55 to 230, inclusive—"PERSONAL RELATIONS," "MARRIAGE," "PARENT AND CHILD."

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## CHAPTER CII.

### ILL-FAME, HOUSES OF.

SECTION 1337. Reference to Acts.

#### 1337.

An Act to suppress houses of ill-fame, approved April 2d, 1855, p. 76. Reference to Acts.  
This Act is superseded by the Penal Code, Secs. 315 and 316.

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## CHAPTER CIII.

### ILL-FAME—CHINESE HOUSES OF.

SECTION 1338. Declared public nuisance.

1339. Leases invalid.

1340. Penalty for collecting rent.

1341. Notice to abate nuisance.

1342. Use of premises after notice a misdemeanor.

1343. When Act takes effect.

*An Act for the suppression of Chinese houses of ill-fame.*

[Approved March 31, 1866.]

[Enacting clause.]

Declared  
public  
nuisance.

1338. SECTION 1. All houses of ill-fame, kept, managed, inhabited, or used by Chinese women for the purposes of common prostitution, are hereby declared to be public nuisances, and common repute shall in all such cases be received as competent evidence of the character of the house, the purposes for which it is kept or used, and the character of the women inhabiting it.

Leases  
invalid.

1339. SEC. 2. Every lease or demise of any house, land, or premises occupied or used for the purposes aforesaid, shall be unavailable, and of no force or effect for any purpose in favor of any party cognizant of such unlawful use, and consenting thereto; and such party shall have no right or power, by virtue or in consequence of any such lease or demise, either to withhold the possession of the demised premises from the lessor or to maintain any action for the recovery of any rent therefor; nor shall it be lawful for any person cognizant of and consenting to such unlawful use, to collect or receive any rent for any house, premises, or apartments leased, inhabited, or used for the purposes aforesaid; also, as against all such parties, lessees, occupants, or inhabitants of such houses, premises, or apartments, the lessor may, on his own authority, with the assistance of the Sheriff or any Constable or policeman of the county, which shall be rendered him on demand, abate the nuisance, and retake possession of such house, premises, or apartments.

1340. SEC. 3. Any landlord, lessor, or other person cognizant of and consenting to such unlawful use

as aforesaid of any land, house, premises, or apartments, occupied, inhabited, or used for the purposes aforesaid, who, as principal, agent, attorney, or otherwise, shall collect or receive any money or other valuable thing as rent or otherwise for the use of the same, shall forfeit to the county, or city and county, where the premises are situated, three times the amount or value thereof, which may be sued for and recovered in the name of such county, or city and county, before any Court of competent jurisdiction, and the Court trying the cause shall adjudge one half thereof to the person giving information of the offense, and of the witnesses or evidence thereof, and the other half to the use of the public treasury of said county, or city and county; and in all such actions Chinese men and women shall be competent witnesses.

Penalty for  
collecting  
rent.

1341. SEC. 4. Besides the remedies now provided by law for the abatement of public nuisances, it shall be lawful for any Sheriff, Constable, Justice of the Peace, or other public officer, and it shall be the duty of the Mayor, or other presiding officer, and the Chief or head of the police force of every town and city, and the duty of the Supervisor of every township or district in which any such house of ill-fame shall exist as aforesaid, and each and every of them, severally, to cause notice in writing to be given to all persons who may be owners, lessees, tenants, or occupants of any such house of ill-fame, or of the land whereon the same is situated, and to all persons who may keep, manage, control, inhabit, or use such house, peremptorily requiring the abatement of such nuisance within three days after the service of such notice, and such notice may also be posted upon the outside of the outer door or other conspicuous place upon such house of ill-fame. In towns and cities the notice may be in such form as the Mayor or other presiding officer,

Notice to  
abate  
nuisance.

or the Chief or head of the police force may prescribe, and when served, an affidavit, showing the time, place, and manner of service, shall be indorsed upon a duplicate thereof, which shall be returned and filed in the office of the Chief or head of the police force, if there be such an officer, and if not, then in the office of the Mayor or other presiding officer of such city or town.

Use of  
premises  
after notice  
a misde-  
meanor.

1342. SEC. 5. Every owner, lessee, tenant, keeper, or manager of any such house of ill-fame, and every owner or lessee of the land whereon the same is situated, who, for the period of thirty days after the service of such notice in manner aforesaid, shall continue to use any such land or premises, or shall knowingly and voluntarily permit or suffer the same to be used for the unlawful purposes aforesaid, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than twenty-five nor more than five hundred dollars, or by imprisonment in the County Jail for a term not more than six months, or by both such fine and imprisonment.

When Act  
takes  
effect.

1343. SEC. 6. This Act shall take effect six months from and after its passage.

This Act is continued in force by Section 23, Subd. 9, Penal Code.

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## CHAPTER CIV.

### IMMIGRATION AND PASSENGERS.

SECTION 1344. Reference to Acts.

Reference  
to Acts.

1344.

An Act to prevent the importation of convicts into this State, passed April 11th, 1850, p. 202.

An Act for the relief of immigrants traveling overland to California, approved May 3d, 1852, p. 77, authorized and required the Governor to ascertain the wants and necessities of the immigrants, mentioned in the title, during that year; and, if in a suffering condition, to relieve them

by distribution of food and clothing, to an amount not exceeding twenty-five thousand dollars. Reference  
to Acts.

An Act for the relief of William Waldo, approved May 18th, 1853, p. 178, amended May 17th, 1853, p. 200, authorized the payment to William Waldo of twenty-seven thousand dollars, the amount advanced by him in 1850 to relieve immigrants to California.

By joint resolution, passed February 28th, 1859, p. 389, the Governor was authorized and requested to appoint such persons or association as he might think proper, as a Board or Commission, to receive and apply moneys arising under Sec. 14 of an Act of Congress to regulate the carriage of passengers in steamships and other vessels, passed March 3d, 1855, for the care and protection of sick, indigent, or destitute emigrants.

An Act to afford protection to immigrants to California, approved March 14th, 1860, p. 93.

An Act to discourage the immigration to this State of persons who cannot become citizens thereof, approved April 23d, 1855, p. 194.

Declared invalid and void by the Supreme Court, in *People v. Downer*, 7 Cal., p. 169.

An Act to prevent the further immigration of Chinese or Mongolians to this State, approved April 26th, 1858, p. 295.

An Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California, approved April 26th, 1862, p. 462.

Declared unconstitutional by the Supreme Court in *Lin Sing v. Washburn*, 20 Cal., p. 534.

An Act concerning passengers arriving in the ports of the State of California, approved May 3d, 1852, p. 78.

Amendment, approved April 2d, 1853, p. 71.

Amendment, approved May 2d, 1862, p. 486; took effect from passage.

Amendment, approved April 2d, 1863, p. 150; took effect from passage.

An Act to amend the foregoing Act of May 3d, 1852, approved February 15th, 1860, p. 32.

The above Act was declared to take effect immediately, by Act approved March 5th, 1860, p. 58. The Sec. 2, referred to in Sec. 3, was the amendment of 1853 to Sec. 12 of the Act of May 3d, 1852.

An Act amendatory of and supplemental to the Act of May 3d, 1852, and the several Acts amendatory of and supplemental thereto, approved May 2d, 1862, p. 486.

An Act to amend the Act of May 3d, 1852, approved April 2d, 1863, p. 150.

An Act to provide for the indigent sick in the counties of this State (directing the moneys received in commutation of bonds under the foregoing Act of May 3d, 1852, p. 76, to be used for protection and support of indigent sick), approved April 11th, 1855, p. 67.

See "INDIGENT SICK."

An Act concerning the State revenue (requiring the commutation and

Reference  
to Acts.

other moneys payable under the foregoing Act of May 3d, 1852, p. 76, to be paid in gold and silver coin), approved April 4th, 1864; Stats. 1863-4, p. 364.

See "REVENUE."

An Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery, approved March 18th, 1870, p. 332.

An Act to prevent the kidnaping and importation of Mongolian, Chinese, and Japanese females, for criminal or demoralizing purposes, approved March 18th, 1870, p. 330.

The Political Code, Secs. 2949 to 2968, inclusive, "IMMIGRATION," supersede prior enactments, and as to other provisions in the Code relating to passengers, see Political Code, Secs. 2361, 2951, and 3013 to 3022, inclusive.

## CHAPTER CV.

### IMPRISONED DEBTORS.

SECTION 1345. Reference to Acts.

Reference  
to Acts.

1345.

An Act for the relief of persons imprisoned on civil process, passed April 22d, 1850, p. 407.

Amendment approved March 21st, 1863, p. 93.

See Code of Civil Procedure, Sec. 715.

## CHAPTER CVI.

### INDIANS.

SECTION 1346. Reference to Acts.

Reference  
to Acts.

1346.

An Act for the government and protection of Indians, passed April 22d, 1850, p. 408.

Amendment approved April 28th, 1855, p. 179.

Amendment approved April 18th, 1860, p. 196.

Amendment approved April 27th, 1863, p. 755.

An Act to prevent the sale of firearms and ammunition to Indians in this State, passed March 24th, 1854, p. 15.

An Act to aid the officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties, approved April 21st, 1856, p. 223.

Amendment approved April 9th, 1857, p. 186.



By concurrent resolution, passed April 19th, 1858, p. 358, the Superintendent of Indian Affairs for the State of California was requested, on request of the Board of Supervisors of any county, to remove from the limits of such county the Indians remaining therein, to some suitable reservation.

Reference  
to Acts.

By concurrent resolution, passed April 16th, 1860, p. 423, a request was directed to be urged upon the General Government to appropriate Round Valley, in Mendocino County, as an Indian reservation, and to cede to the State of California entire jurisdiction over Indians and Indian affairs within our borders.

By concurrent resolution, passed March 28th, 1862, p. 604, the policy of the General Government in regard to Indians in California was pronounced inadventagous, and a change recommended and urged, by which Indians might be removed to distant reservations, protected from molestation, and not suffered to return to their old haunts.

By concurrent resolution, adopted April 20th, 1863, p. 797, the General Government was again and still more urgently requested to remedy existing evils in regard to the Indians in this State.

Selling liquor, firearms, and ammunition to Indians prohibited by Penal Code, Secs. 397 and 398. Indians may take fish, notwithstanding game laws, under Penal Code, Sec. 636.

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## CHAPTER CVII.

### INDIGENT SICK.

SECTION 1347. Reference to special Acts.

1348. Commutation.

1349. Set apart; apportionment; proviso; how paid; how used; account to be rendered; when appropriation shall be due counties.

1350. Medical aid; compensation.

1351. Physician to be a graduate.

1352. Physician discharged, when; proviso.

1353. Care of indigent sick; contracts; applications.

1354. Building.

1355. Board to assess tax; how collected.

1356. Money drawn.

1357. Certain persons not to be interested in contracts.

1358. Cities may contract.

1359. Power of Board.

1360. To establish County Infirmaries.

1361. Board of Directors; powers and liabilities.

1362. May make contracts.

1363. To appoint Superintendent.

1364. To make monthly reports.

**SECTION 1365. Yearly reports.**

1366. Further duties.

1367. Money, how used.

1368. Infirmary Fund.

1369. To employ medical aid.

1370. Contagious diseases.

1371. Additional taxes.

1372. Money, how drawn.

1373. Not to be interested in.

1374. Orders, etc.

1375. To dispose and convey real estate.

1376. Removal of sick.

1377. Same.

1378. Offenses to be prosecuted.

1379. Persons affected.

1380. Power to apprentice.

1381. Exempt from taxation.

1382. Directors may make changes.

1383. Transfer of Funds.

1384. To apply conditionally.

1385. Counties exempted.

1386. Special Acts.

Reference  
to special  
Acts.**1347.**

The earliest legislation on the subject of the indigent sick was a part and portion of the laws in regard to hospitals. The first statute exclusively devoted to the subject was

An Act for relief of the indigent sick, approved April 16th, 1852, p. 137. It applied two thousand dollars annually out of the State Treasury for the relief of the indigent arriving at the port of San Diego. It was repealed by

An Act to provide for the establishment of a State marine hospital at San Francisco, and to provide for the indigent sick in this State, approved May 19th, 1852, p. 281, which was repealed by Act approved March 16th, 1855, p. 47.

An Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a special tax for the support and maintenance of the indigent sick of said county, passed February 16th, 1854, p. 38, and

An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a special tax for the support and maintenance of the indigent sick of said county, passed May 3d, 1854, p. 152.

The above Acts, which provided for the levy and collection of an annual tax not to exceed one fourth of one per cent on the valuation of all real and personal property in said counties, have been superseded by the following general Act:

*An Act to provide for the indigent sick in the counties of this State.*

[Approved April 11, 1855, p. 67.]

[Enacting clause.]

1348. SECTION 1. All moneys received in commutation of bonds under the provisions of "An Act concerning passengers arriving in the ports of the State of California," shall be used for no purpose other than for the protection and support of the indigent sick, and shall constitute and be known as the "Hospital Fund of the State of California."

Commutation.

1349. SEC. 2. The Hospital Fund, together with all moneys collected for the benefit of said Fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the first section of this Act; and after the first day of April, eighteen hundred and fifty-five, shall be divided and apportioned among the counties of this State in proportion to the population as ascertained by the census of eighteen hundred and fifty-five; *provided*, that until the official return of the next census shall be made, the pro rata distribution shall be made upon the highest aggregate vote of the different counties as returned to the Secretary of State's office at the last election; and said funds shall be paid over by the Treasurer of the State on the warrants of the State Controller, who shall issue such warrants, upon receiving the order of the Board of Supervisors, to the County Treasurer of each county. The Board of Supervisors of each county shall use the same for the support and care of the indigent sick in their counties, and for no other purpose, and shall render a semi-annual account of the use made thereof, to the Controller of State, to be presented by him, in a condensed form, in his annual report. The amounts

Set apart.

Apportionment.

Proviso.

How paid.

How used.

Account to be rendered.

When  
appropria-  
tion shall  
be due  
counties.

appropriated after the first apportionment, shall be due to the counties on the first Mondays of March, June, September, and December of each year.

Medical  
aid.  
Compensa-  
tion.

1350. SEC. 3. The Board of Supervisors shall employ such medical aid for the proper treatment and care of the indigent sick as may in their judgment be required, and shall fix the compensation of the same.

Physician  
to be a  
graduate.

1351. SEC. 4. Every physician employed by the Board of Supervisors, shall be a graduate from some legally incorporated college of medicine.

Physician  
discharged,  
when.

1352. SEC. 5. Any physician being employed by the Board aforesaid to attend to the indigent sick of the county in which he resides, and failing to perform any of the duties assigned him by the Board aforesaid, or willfully neglecting the same, shall be forthwith discharged; *provided*, the charge or charges be sustained by competent testimony before the said Board of Supervisors.

Proviso.

Care of  
indigent  
sick.

1353. SEC. 6. It shall be the duty of the Board of Supervisors to take cognizance of all indigent sick persons, for whose benefit the funds provided in this Act have been set apart, and to make all contracts they may deem necessary to provide for the same, and all applications for the benefits of this Act shall be made to the Board of Supervisors or physician by them appointed.

Contracts.

Applica-  
tions.

Building.

1354. SEC. 7. When necessary it shall be the duty of the Board of Supervisors to provide a suitable building or buildings for the separate accommodation of persons laboring under contagious diseases.

Board to  
assess tax.

1355. SEC. 8. In addition to the taxes to be assessed under the provisions of law now existing, or which may hereafter exist, the Board of Supervisors of each county shall annually assess such taxes, not

exceeding one fourth of one per cent on all real and personal property in their respective counties, as may by them be deemed necessary and sufficient for the care and protection of the resident indigent sick, which tax shall be collected in the same manner, at the same time, and by the same officers who are or may be appointed to collect county and State revenue; and the said taxes, when collected, shall be paid into the County Treasury, and the Treasurer shall receipt therefor; and the money thus collected shall constitute and be known as the Special Hospital Fund of the county, and be used for the care and protection of the indigent sick, and shall be appropriated for no other object.

How  
collected.

1356. SEC. 9. No money set apart under the provisions of this Act for the benefit of the indigent sick, shall be drawn from the hands of the officer or officers having charge of the same according to law, except upon presentation of the order of the Board of Supervisors drawn on the Hospital Fund.

Money  
drawn.

1357. SEC. 10. No person having charge, care, keeping, or disbursing of the Fund provided for in this Act, or any part thereof, shall have any interest, directly or indirectly, in any undertaking or contracts made or entered into for the purpose of carrying out the object and intention of this Act.

Certain  
persons not  
to be  
interested  
in  
contracts.

1358. SEC. 11. The corporate authorities of any city or town in this State may and are hereby authorized to contract with the Board of Supervisors of their respective counties for the care and protection of their indigent sick, by paying such sums of money as the said Board of Supervisors may deem proper.

Cities may  
contract.

1359. SEC. 12. The Board of Supervisors shall have power to receive, dispose of, and convey all real and personal property conveyed to them by gift, devise, or otherwise, for the use of the indigent sick; and said

Power of  
Board.

Board shall prosecute and defend any action at law where the interests of the County Hospital Fund requires it.

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The foregoing Act was, to some extent, amended by the following Act:

*An Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled "An Act to provide for the indigent sick in the counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.*

[Approved April 18, 1860, p. 213.]

[Enacting clause.]

To  
establish  
County  
Infirmaries

1360. SECTION 1. The Supervisors of each and every county within this State shall be, and they are hereby, authorized to erect and establish county infirmaries within their respective counties, whenever, in their opinion, such a measure will be advantageous; and for that purpose it shall be lawful for the said Supervisors to purchase such lot or tract of land, of not more than one hundred and sixty acres, and erect thereon one or more suitable buildings for the accommodation of the institution; *provided*, that if the Supervisors of any county shall think proper to purchase land and erect a county infirmary, under the provisions of this Act, the expense of such purchase and erection shall be defrayed by a tax levied on the objects of county taxation, described in the twelfth section for that express purpose, which tax shall be collected and paid over at the same time and in the same manner that other taxes are collected; *provided*, also, that said tax shall not exceed one fourth of one per cent; *provided*, further, that when there is a sufficient sum of money in the Special Hospital Fund of any county therefor, or other provision is made by law for raising said sum, the tax authorized by this section may or

may not be levied, at the option of the Board of Supervisors.

1361. SEC. 2. The Supervisors in any county in this State, in which a county infirmary is completed, or may hereafter be completed, for the reception of the indigent, shall form a Board of Directors of the county infirmary, and shall serve as such during the respective periods for which they are elected; and the said Directors shall, in all respects, have the same power and authority, and be subject to the same liabilities as hereinafter provided for, and shall, previous to their entering on the duties of Directors of the county infirmary, take an oath or affirmation faithfully to discharge the duties of their office; and said Board of Directors shall appoint a clerk of their own body, whose duties shall be defined by the Board.

Board of  
Directors.

Powers and  
liabilities.

1362. SEC. 3. The Board of Directors, or a majority of them, shall form a quorum to transact business, shall be a body corporate and politic, with perpetual succession, and shall be known by the name of "The Board of Directors of the County Infirmary of ——— County." They may make all such contracts and purchases as may be necessary for the institution, and may prescribe such rules and regulations as they may think proper for the management and good government of the same, and for introducing the practice of sobriety, morality, and industry among its inhabitants. They shall meet quarter yearly, at such place as they may agree on, and the President may call a special meeting of the Board at any time he may deem it necessary.

May make  
contracts.

1363. SEC. 4. The Board of Directors shall appoint a Superintendent, outside of said Board, who shall reside in some apartment of the county infirmary, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties,

To appoint  
Superin-  
tendent.

Same.

and give security for their faithful performance, as the Board shall judge proper. He shall be governed in all respects by the rules and regulations of the Board, and may be removed by them at pleasure. He may require all persons received into the county infirmary to perform such reasonable and moderate labor as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of the institution, in such manner as the Board of Directors may point out. The Superintendent shall receive into the county infirmary any person who shall produce to him such an order or voucher as is hereinafter required; and he shall enter into a book, to be provided by him and kept for that purpose, the name, age, birthplace, length of residence, State last from, previous habits, and present condition of the person, as near as may be, of every person so received into the county infirmary, together with the day on which such person was received.

To make  
monthly  
reports.

1364. SEC. 5. The Board of Directors shall cause the county infirmary to be visited at least once in every month, by a committee of their body, which committee shall carefully examine the condition of the inmates, the manner in which they are fed, clothed, and otherwise provided for and treated. They shall ascertain what labors they are required to perform, and shall inspect the books and accounts of the Superintendent, and make report thereof at the next meeting of the Board.

Yearly  
reports.

1365. SEC. 6. The Board of Directors shall every year cause to be published, in at least two county newspapers, and in one, if there is no more published, the state of the institution, with a full and correct account of all their proceedings, contracts, and disbursements; and the expense of establishing and supporting the institution shall be paid on the order of the County



Auditor, by the direction of the Supervisors, out of any money in the County Infirmary Fund of the county.

1366. SEC. 7. It shall be the duty of the Board of Directors to take cognizance of all indigent persons for whose benefit the funds provided in this Act have been set apart, and to make all contracts they may deem necessary to provide for the same; and all applications for the benefits of this Act shall be made to the Board of Directors, or Superintendent by them appointed; and when any person has been, or shall hereafter be, received into any county infirmary, as an indigent, on account of any infirmity or disease, the Directors of such county infirmary may, when in their opinion such person is so far restored to health and bodily strength as to be able to support himself or herself, direct the Superintendent of such county infirmary to discharge such person therefrom.

Further  
duties.

1367. SEC. 8. All moneys received in commutation of bonds, under the provisions of an Act concerning passengers arriving in the ports of the State of California, shall be used for no other purpose than for the protection and support of the indigent, and shall constitute and be known as the "Infirmary Fund of the State of California."

Money,  
how used.

1368. SEC. 9. The Infirmary Fund, together with all other moneys collected for the benefit of said Fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the eighth section of this Act, and after the first day of June, one thousand eight hundred and sixty, shall be divided and apportioned among the counties of this State, in proportion to the population, as ascertained by the census of one thousand eight hundred and fifty; *provided*, that until the official return of the next census shall be made, the pro rata distribution shall be made upon the highest aggregate vote of the different counties, as returned

Infirmary  
Fund.

Same.

to the Secretary of State's office at the last general election ; and said funds shall be paid over by the Treasurer of the State, on the warrants of the State Controller, who shall issue such warrants upon receiving the order of the Board of Supervisors to the Treasurer of each county. The Board of Supervisors of each county shall use the same for the support and care of the indigent in their counties, and for no other purpose, and shall render an annual account of the use made thereof to the Controller of State, to be presented by him, in a condensed form, in his annual report. The amounts appropriated after the first apportionment shall be due to the counties on the first Mondays of March, June, September, and December, of each year.

To employ  
medical  
aid.

1369. SEC. 10. The Board of Directors shall employ such medical aid for the proper treatment and care of the indigent, as may in their judgment be required, and shall fix the compensation of the same. Every physician employed by the Board of Directors, shall be a graduate from some legally incorporated regular college of medicine, or a licentiate of some existing Board of Medical Examiners, of this or any other State. Any physician being employed by the Board aforesaid, to attend to the indigent of the county in which he resides, and failing to perform any of the duties assigned him by the Board aforesaid, or willfully neglecting the same, shall be forthwith discharged; *provided*, the said charge or charges be sustained by competent testimony before the Board of Directors.

Contagious  
diseases.

1370. SEC. 11. When necessary, it shall be the duty of the Board of Directors to provide a suitable building or buildings for the separate accommodation of the indigent laboring under contagious diseases.

1371. SEC. 12. In addition to the taxes to be assessed under the provisions of law now existing, or which may hereafter exist, the Board of Supervisors of each county may annually assess such taxes, not exceeding one fourth of one per cent on all real and personal property in their respective counties, as may by them be deemed necessary and sufficient, for the care and protection of the resident indigent; which tax shall be collected in the same manner, at the same time, and by the same officers who are or may be appointed to collect county and State revenue; and the said taxes, when collected, shall be paid into the County Treasury, and the Treasurer shall receipt therefor; and the money thus collected shall constitute and be known as the "County Infirmary Fund" of the county, and be used for the care and protection of the indigent, and shall be appropriated for no other object.

Additional taxes.

1372. SEC. 13. No money set apart under the provisions of this Act, for the benefit of the indigent, shall be drawn from the hands of the officer or officers having charge of the same according to law, except upon presentation of the order of the Board of Directors, drawn on the County Infirmary Fund.

Money, how drawn.

1373. SEC. 14. No person having charge, care, keeping, or disbursing, of the funds provided for in this Act, or any part thereof, shall have any interest, directly or indirectly, in any undertaking or contracts made or entered into for the purpose of carrying out the object and intention of this Act.

Not to be interested in contracts

1374. SEC. 15. It shall be lawful for the Auditor of a county in which a County Infirmary may be situated, to receive any order or orders, given by the Board of Directors of said institution, to any person or persons, for labor, provisions, medical attendance,

Orders, etc.

or supplies of any kind, furnished for said institution, and to give an order on the County Treasurer, who shall receive the same and pay out of any money in his hands appropriated for that purpose.

To dispose  
and convey  
real estate.

1375. SEC. 16. The Board of Directors shall have power to receive, dispose of, and convey, all real and personal property conveyed to them by gift, devise, or otherwise, for the use of the indigent, and said Board shall prosecute and defend any action at law, when the interests of the County Infirmary Fund require it.

Removal  
of sick.

1376. SEC. 17. If any person shall transport, remove, or bring, or cause to be transported, removed, or brought, any poor or indigent person from any city or county in this State, to any other city or county in this State, without lawful authority, and there leave such poor or indigent person, with intent to make such city or county chargeable with the support of such pauper, each and every person so offending shall forfeit and pay the sum of one hundred dollars, for each and every such offense, for the use of the indigent of the city or county in which such pauper shall be left, to be recovered by action of debt, in the name of the State of California, before any Court of competent jurisdiction.

Same.

1377. SEC. 18. If any person shall willfully and without lawful authority, bring or cause to be brought into this State, any poor or indigent person or lunatic, without a protector, from any place without this State, and there leave, or attempt to leave such person, with intent to make the city or county, or city and county in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending, shall forfeit and pay not less than one hundred nor more than six hundred dollars, for every such person left or

attempted to be left, to be recovered in the name of **Same.** the State of California, in the action of debt, before any Court of competent jurisdiction, for the use of the city or county wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons, guilty of either of the offenses specified in this section, shall be obliged to convey such poor or indigent person or lunatic person, out of this State, or shall give bond to the State of California, with security, to be approved of by the Treasurer of such city or county, for the maintenance of such poor or indigent person or lunatic; *provided*, however, that in every county, wherein the poor are supported in a county infirmary, the penalties which may be collected under this Act, shall be appropriated for the benefit of such county infirmary.

1378. SEC. 19. It shall be the duty of the Board of Directors and of the Prosecuting Attorneys of each county whereof any of the offenses by this Act provided against shall be committed, to cause such offense to be prosecuted as soon as possible after the commission of such offense, and all such offenses shall be prosecuted by commencing proceedings within one year after the commission of the offense, and not thereafter; and in all cases where prosecution shall fail, the costs of Court shall be taxed against and paid by the county which would be entitled to the penalty if the prosecution had been successful. **Offenses to be prosecuted.**

1379. SEC. 20. "Indigent person" or "invalid," is defined to be every poor person who is blind, lame, old, sick, impotent, or decrepit, or in any other way disabled or enfeebled, so as to be unable by his or her work to maintain themselves, and as such come under the provisions of this Act. **Persons affected.**

1380. SEC. 21. The Board of Directors of the county infirmaries shall have power to bind out to

Power to  
apprentice.

apprenticeship all such indigent children as may belong to the county infirmaries, in the same manner as that authorized by the provisions of the Act entitled "An Act to provide for binding minors as apprentices, clerks, and servants," approved April tenth, one thousand eight hundred and fifty-eight.

Exempt  
from  
taxation.

1381. SEC. 22. Every county infirmary provided by any county for the reception and support of the indigent, and all real and personal property whatever belonging to or connected with the same, shall be exempt from all assessment and taxation levied either by the State or by any county, city, town, or village; and the Superintendent of every county infirmary established under the provisions of this Act shall be exempt from all service in the militia, from serving on juries, and from all assessments for labor on the highways.

Directors  
may make  
changes.

1382. SEC. 23. The Board of Directors shall have power, in their respective counties, to change County Hospitals into county infirmaries, or, after thirty days' notice in one or more newspapers of the county in which they may reside, to sell, at public or private sale, and cause to be conveyed, any property belonging to the county as County Hospitals or pertaining thereto, appropriating the proceeds of such sale to the use of their respective county infirmaries.

Transfer  
of Funds.

1383. SEC. 24. The County Hospital Fund of the respective counties to which this Act applies is hereby transferred to the Infirmary Fund of the same, and all moneys on hand or hereafter received in accordance with section eight of this Act, shall be appropriated, as directed by section nine of this Act, to the Hospital Fund of such counties as do not come under the provisions of this Act.

1384. SEC. 25. This Act shall be in force only in those counties of this State whose Supervisors shall elect to adopt the system hereby established. To apply conditionally.

1385. SEC. 26. The following counties are exempt from the provisions of this Act: Humboldt, Placer, Yuba, Sacramento, Mendocino, Santa Cruz, San Luis Obispo, Shasta, Sierra, Calaveras, Yolo, Plumas, Nevada, Tuolumne, Sonoma, and Monterey. (Amendment approved March 22d, 1870, p. 351.) Counties exempted.

1386.

The following are special Acts relating to particular counties:

INDIGENT SICK OF SHASTA COUNTY.

An Act to provide for the better maintenance of the indigent sick of Shasta, Siskiyou, and Placer Counties, approved May 28th, 1856, p. 60. Special Acts.

INDIGENT SICK OF YUBA COUNTY.

An Act allowing the Court of Sessions of Yuba County to levy a special tax for the support of the indigent sick of said county, passed April 27th, 1854, p. 185, provided for a special tax not exceeding thirty cents upon the one hundred dollars worth of taxable property, for the support of the indigent sick. It was superseded by

An Act to provide for the support of the indigent sick in Yuba County, approved March 31st, 1856, p. 69.

Amendment, approved February 9th, 1860, p. 24.

An Act to regulate the care and maintenance of the indigent sick in and for the County of Yuba, approved April 18th, 1860, p. 191.

An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April 18th, 1860, p. 191, approved March 1st, 1870, p. 107.

INDIGENT SICK OF AMADOR COUNTY.

An Act relative to the treatment and care of the indigent sick of the County of Amador, approved March 3d, 1868, p. 160.

INDIGENT SICK OF HUMBOLDT COUNTY.

An Act to provide for the relief and maintenance of the indigent sick of Humboldt County, approved February 21st, 1870, p. 91.

An Act authorizing the Supervisors to levy a tax for the care and maintenance of the indigent sick of Humboldt County, approved April 1st, 1870, p. 546.

INDIGENT SICK OF KLAMATH COUNTY.

An Act to provide for the maintenance of the indigent sick of Klamath County, approved January 11th, 1866, p. 13.

Section first was amended by Act approved March 25th, 1868, p. 293,

**Special  
Acts.**

but both the section and the Act amendatory thereof were repealed by Act approved January 19th, 1870, p. 8.

An Act to provide for the relief and maintenance of the indigent sick of Klamath County, approved January 19th, 1870, p. 9.

An Act to provide for the payment of warrants against the Hospital Fund of Klamath County, approved January 19th, 1870, p. 8.

**INDIGENT SICK OF MARIPOSA COUNTY.**

An Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa, approved February 3d, 1866, p. 49.

**INDIGENT SICK OF SAN MATEO COUNTY.**

Board of Trustees authorized to provide for the relief of the indigent sick, by Act approved March 22d, 1866, p. 339.

**INDIGENT SICK OF SIERRA COUNTY.**

An Act to provide for the care of the indigent sick of the County of Sierra, approved January 29th, 1866, p. 34.

**SAN FRANCISCO CITY AND COUNTY.**

The laws in regard to the indigent sick in San Francisco are a part and portion of the complicated system known as the consolidated government. Powers of making appropriations out of the General Fund are given to the Board of Supervisors, particularly by the Act of April 4th, 1863, p. 168.

**SACRAMENTO COUNTY.**

The laws in regard to the indigent sick in Sacramento County are a portion of the Acts providing for the government of that county, the principal of which is the Act of April 25th, 1863, p. 503.

**INDIGENT SICK OF TEHAMA COUNTY.**

An Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor, approved April 10th, 1862, p. 233, was repealed by the following Act:

An Act to provide for the pauper sick of Tehama County, approved April 25th, 1863, p. 481.

**INDIGENT SICK OF SAN BERNARDINO COUNTY.**

An Act to provide for the better care of indigent sick in the County of San Bernardino, approved May 6th, 1862, p. 493.

**INDIGENT SICK OF SONOMA COUNTY.**

An Act to provide for the better maintenance of the indigent sick of Sonoma County, approved April 25th, 1863, p. 579.

**INDIGENT SICK OF BUTTE COUNTY.**

An Act to provide for the indigent sick in the County of Butte, approved March 10th, 1857, p. 72.

**INDIGENT SICK OF TUOLUMNE COUNTY.**

An Act to authorize the Court of Sessions of the County of Tuolumne to levy and collect a special tax for the support and maintenance of the



indigent sick of said county, passed April 13th, 1854, p. 83, was repealed by the following Act:

An Act relating to the hospital affairs of Tuolumne County, approved April 14th, 1857, p. 198.

INDIGENT SICK OF PLACER COUNTY.

An Act concerning the indigent sick in the County of Placer (and expressly repealing the Act of April 11th, 1855, p. 67), approved April 24th, 1857, p. 243, amended May 2d, 1861, p. 264, was superseded by the following Act: Special Acts.

An Act in relation to the indigent sick of the County of Placer, approved April 17th, 1862, p. 263.

Supervisors authorized to levy a special tax for the support of common schools and indigent sick; Act approved January 29th, 1866, p. 35.

INDIGENT SICK OF TRINITY COUNTY.

An Act to provide for the maintenance of the indigent sick of the County of Trinity, approved March 16th, 1858, p. 66.

INDIGENT SICK OF CALAVERAS COUNTY.

An Act to provide for the better maintenance of the indigent sick of Calaveras County, approved April 21st, 1860, p. 228.

INDIGENT SICK OF NEVADA COUNTY.

An Act to provide for the better maintenance of the indigent sick of the County of Nevada, approved March 4th, 1861, p. 33.

INDIGENT SICK OF SISKIYOU COUNTY.

An Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April 22d, 1861, p. 212.

An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County, approved March 24th, 1870, p. 361.

See Political Code, Part III, Title VII, Chapter II, "PRESERVATION OF PUBLIC HEALTH;" "RIGHT OF MUNICIPAL AUTHORITIES TO ESTABLISH REGULATIONS CONCERNING PUBLIC HEALTH," Political Code, Sec. 4408; "PENALTY FOR VIOLATION OF HEALTH LAWS," Penal Code, Secs. 377 and 378.

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## CHAPTER CVIII.

### INFIRMARIES.

SECTION 1387. Reference to Acts.

#### 1387.

An Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled "An Act to pro- Reference to Acts.

vide for the indigent sick in the counties of this State," approved March 31st, 1855, approved April 18th, 1860, p. 213.

Amendment to an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April 11th, 1855, p. 67, approved April 18th, 1860, p. 67, approved March 22d, 1870, p. 351.

These Acts above cited are given under the head of "INDIGENT SICK."

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## CHAPTER CLX.

### INSANE ASYLUM.

#### SECTION 1388. Reference to Acts.

Reference  
to Acts.

#### 1388.

An Act to authorize the Trustees of the Stockton State Hospital to erect a building for the insane of the State, and to provide for their support, approved May 3d, 1852, p. 139, was repealed by Act approved May 17th, 1853, p. 208.

An Act to establish an asylum for the insane of the State of California, approved May 17th, 1853, p. 203; amended May 1st, 1854, p. 166; April 16th, 1858, p. 172; April 15th, 1859, p. 255; April 30th, 1860, p. 341; and March 13th, 1861, p. 50 (which Acts provided for the management of the affairs of the asylum and the manner of sending insane persons to it), was virtually repealed by the Act of April 25th, 1863. Its provisions were in many respects similar to those of the Act of 1863, and an examination of it may throw light upon the subsequent Act.

An Act in relation to the Insane Fund, passed January 28th, 1854, p. 2.

Several of the appropriation Acts, relating to the Insane Asylum, may be noted as follows:

To appropriate money (eighty thousand dollars) to enable the Trustees to erect an additional building, and to inclose the grounds belonging to the asylum, passed May 15th, 1854, p. 239.

To appropriate money (fifteen thousand dollars) to enable the Trustees to build a dining room, kitchen, and bath house; also, to purchase furniture for main building, approved May 3d, 1855, p. 238.

To appropriate forty thousand dollars for the completion of the asylum, approved April 19th, 1856, p. 134.

To appropriate money (forty thousand dollars) for the erection of additional buildings and other improvements, approved April 26th, 1858, p. 328.

To appropriate money (five thousand dollars) for improving the mad houses and other improvements.

To appropriate money (one thousand dollars) for the purchase of a dairy for the asylum, approved April 10th, 1860, p. 165. Reference to Acts.

An Act to authorize the Governor to remove insane persons from the State Prison to the Insane Asylum, approved April 9th, 1857, p. 187.

An Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April 25th, 1863, p. 458.

Amendment, approved April 1st, 1864; Stats. 1863-4, p. 277; took effect immediately.

An Act amendatory of and supplemental to the foregoing Act of April 25th, 1863, approved April 4th, 1864; Stats. 1863-4, p. 324.

An Act condemning parts of certain streets adjacent to the Insane Asylum, in the City of Stockton, for asylum purposes, approved April 4th, 1864, Stats. 1863-4, p. 469, provided for the condemnation of portions of Stanislaus, José Jesus, and Flora streets.

An Act to amend the Act of 1863 concerning the Insane Asylum of California, approved March 31st, 1866, was repealed, together with all other Acts in relation thereto, by the following Act:

An Act concerning the Insane Asylum of the State of California, approved April 4th, 1870, p. 868.

An Act to provide for the appointment of a Commissioner to visit the Eastern Insane Asylums, and to define his powers and duties, approved February 19th, 1870, p. 90.

Appropriation for deficiency, Stats. 1866, p. 197; 1870, pp. 299, 560. Directors and Visiting Physician, when to report, Stats. 1866, p. 784; 1870, p. 333. Appropriations, for support of, Stats. 1870, p. 737.

See the Political Code, Secs. 2136 to 2222, inclusive, "INSANE ASYLUMS."

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## CHAPTER CX.

### INSOLVENTS.

SECTION 1389. Discharge of insolvents; proviso.

1390. Petition to contain what; proviso.

1391. Schedule.

1392. Oath to schedule.

1393. Order to show cause.

1394. Homestead.

1395. Books.

1396. Notice to creditors.

1397. Stay of proceedings; proviso.

1398. Meetings of creditors.

1399. Assignees, their duties.

1400. Bonds of assignees.

1401. Duty of assignees; proviso.

## SECTION 1402. Their responsibilities.

1403. Dividends.

1404. Accounts of assignees.

1405. Discharge of assignees.

1406. Refusal to appoint assignees; proviso.

1407. Fees of assignees; proviso.

1408. Fraud; opposition of creditors; jury.

1409. Proof of fraud.

1410. Investigation of fraud.

1411. Penalty.

1412. If accusation of fraud is ill founded.

1413. Effect of fraud.

1414. Appointment of assignees in cases of opposition.

1415. Fraudulent bankrupts.

1416. Acts of insolvent amounting to fraud.

1417. Fraud debarring from benefit of Act.

1418. Certain debtors denied benefit of this Act; proviso.

1419. Transfers and assignments of property after petition filed.

1420. Concealing property.

1421. Insolvents to apply in person.

1422. Surrender of property.

1423. Non-resident creditors.

1424. Proceedings where debtor has no property; proviso.

1425. Assets to be delivered to assignees.

1426. Assignees to make account of disbursements.

1427. Other assignments not binding upon creditors.

1428. Conflicting laws repealed; commencement of this Act.

*An Act for the relief of insolvent debtors, and protection of creditors.*

[Approved May 4, 1852, p. 69.]

[Enacting clause.]

Discharge  
of insolv-  
ents.

1389. SECTION 1. Every insolvent debtor may be discharged from his debts as hereinafter provided, upon executing an assignment of all his property, real, personal, or mixed, for the benefit of all his creditors, and upon compliance with the several provisions of this Act; *provided*, said assignment be made bona fide and without fraud. The District Court only shall have original jurisdiction in the subject matter herein contained.

Proviso.

1390. SEC. 2. Such insolvent debtor shall petition the Judge having original jurisdiction within the place of his domicile, or usual residence, which petition shall briefly state the circumstances which compel him to surrender his property to his creditors, and shall conclude with a prayer to make a cession of his estate, and to be discharged from his debts, in pursuance of the provisions of this Act; *provided*, such insolvent debtor shall have resided within the county where he files his petition for at least six months next preceding the filing of the same. (Amendment approved April 27th, 1860, p. 283.)

Petition  
to contain  
what.

Proviso.

1391. SEC. 3. The debtor shall annex to said petition his schedule—that is to say, a summary statement of his affairs, with a list of losses he may have sustained, giving the names of his creditors, if known; the amount due to each creditor, and the cause and nature of said indebtedness, and when it accrued, and a statement of any existing judgment, mortgage, collateral, or other securities for the payment of any such debt; said schedule shall also contain a full, complete, and perfect inventory of all his property, real, personal, and mixed, of all choses in action, debts due or to become due, and all moneys on hand of such insolvent; said schedule shall also contain a full statement of all incumbrances existing upon the property of the insolvent. The said debtor shall as nearly as possible estimate the property by him surrendered and set forth in the schedule, at its true cash value.

Schedule.

1392. SEC. 4. The said schedule shall be signed by the debtor, and be by him sworn to before the Judge having jurisdiction of the failure, in the following words, to wit: "I (A. B.), do, in the presence of Almighty God, truly and solemnly swear that the schedule now delivered by me doth contain a full, perfect, and true discovery of all the estate, real, personal, and

Oath to  
schedule.

**Same.** mixed goods and effects, to me in any way belonging; all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts whereby any money may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any other person or persons in trust for me; that I have no lands, money, stock, or estate, reversion, or expectancy, besides that set forth in my schedule; that I have in no instance created or acknowledged a debt for a greater sum than I honestly and truly owed; that I have not directly nor indirectly sold or otherwise disposed of in trust, or concealed any part of my property, effects, or contracts; that I have not in any way compounded with my creditors, whereby to secure the same, or to receive or to expect any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted, in any manner whatever, so help me God."

**Order to  
show cause**

1393. SEC. 5. The Judge receiving such petition, schedule, and affidavit, shall make an order requiring all the creditors of such insolvent to show cause, if they can, why an assignment of the insolvent estate should not be made, and he be discharged from his debts. Said schedule being signed and sworn to by the petitioner, the Judge shall certify the same, and cause it to be filed in the office of the Clerk of the Court in the county where the assignment was made, there to remain for the information of the creditors.

**Homestead**

1394. SEC. 6. The insolvent debtor, on a surrender of his property, shall include and set forth in his schedule his whole estate, including the homestead, if any he has, and all such property as may be by law exempt on execution from seizure and forced sale; and it shall be the duty of the Judge having jurisdiction of the failure to exempt and set apart, for the use and benefit of said insolvent, such real and personal prop-

erty as he is by law authorized to retain to his own use, or that of his family.

1395. SEC. 7. The insolvent shall, either before **Books.** or on the day appointed for the meeting of the creditors, deliver to the Court all the commercial or other books he may have kept, which books shall be deposited in the Clerk's office of said Court. Said insolvent shall also deliver to the Court, at the same time, all vouchers, notes, bonds, bills, securities, or other evidence of debt, in any manner relating to or having any bearing upon or connection with the property surrendered by said debtor, and all such papers or securities shall be deposited in the Clerk's office of said Court, and the Clerk shall hand them over, together with the books of the insolvent, to the assignees, who may be appointed.

1396. SEC. 8. The Judge granting the order for **Notice to** a meeting of the creditors shall direct the Clerk of the Court to issue a notice calling the creditors of the insolvent to be and appear upon a specified day, not less than thirty nor more than forty days from the first publication of such notice, before said Judge, either in chambers or in open Court, as said Judge shall order, to show cause why the prayer of the alleged insolvent should not be granted. Said notice shall be published at least once a week for four successive weeks, in a newspaper printed in the county in which the application is made, if there is one; if there be none so published, then in a newspaper published in any county adjoining said county. (Amendment approved April 27th, 1863, p. 750.) **creditors.**

1397. SEC. 9. When issuing the order for the meeting of creditors, the Judge shall order that all proceedings against the debtor be stayed; *provided*, however, that the said stay of proceedings shall not **Stay of**  
**proceed-**  
**ings.**

**Proviso.** prevent the Judge, who shall have granted it, from appointing a receiver to take possession of all property of the debtor, for the benefit of all his creditors, if one or more of his creditors, ~~his agent, or attorney~~ in fact, shall apply for such appointment, and swear that he has reason to believe, and does believe, that the debtor may avail himself of the stay of proceedings, and keep his property from his creditors, if no cause sufficient, in the judgment of the Court, shall have been shown, why the debtor should not have the benefit of this Act, and shall produce satisfactory proof of the facts on which his affidavit is founded.

**Meetings of creditors.** 1398. SEC. 10. At the meeting of creditors, the said creditors, after having certified on oath that their respective claims are legitimate and true, shall proceed to the appointment of one or more assignees, not exceeding three; in appointing assignees, the opinion of the majority of said creditors, in sums or claims, shall prevail. At such meeting, any creditor may be represented by his duly authorized agent, or attorney in fact.

**Assignees, their duties** 1399. SEC. 11. When the assignee or assignees shall have been duly appointed in the meeting of creditors, and the surrender of the property shall have been duly accepted of, it shall be the duty of said assignees to deposit in the Clerk's office of the Court, who shall have issued the order for a call of the creditors, a certified statement of the deliberations of said creditors, on the appointment of the said assignees.

**Bonds of assignees.** 1400. SEC. 12. The Judge shall require from the assignees a bond, with one or more good and sufficient securities, on which bond the parties therein shall be liable, jointly and severally, for the amount thereof, conditioned for the faithful performance of the duties devolving upon said assignees. The amount of such bond shall be determined by the majority of credit-



ors; should not the creditors so determine, the amount of said bond shall be fixed by the Court having jurisdiction of the failure.

1401. SEC. 13. The assignees shall apply by petition to the Court, who shall have ordered a meeting of creditors, to be authorized to sell at public auction, and to the best and highest bidder for cash, all the insolvent debtor's property of whatsoever nature or kind; and said assignees shall give at least twenty days' public notice, in the same manner as notice for a meeting of creditors, of all sales of the property of said insolvent, giving at the same time a full description of the property to be disposed of; *provided, however,* that if any of the property surrendered be of a perishable nature, the assignees shall be authorized to sell the same, on giving at least five days' notice of such sale by publication or notice of such sale as in sale on execution.

Duty of assignees.

Proviso.

1402. SEC. 14. The assignees shall deposit all funds belonging to the failure, in their joint names, so that nothing can be drawn without the consent of all. Said funds shall remain inviolable, and shall never be loaned, used, or mixed with the personal affairs of the assignees; and finally, the said assignees shall make a distribution of the proceeds of the property of the insolvent agreeably to the direction of the Court. Said assignees may sue and be sued, either as plaintiffs or defendants, in everything which respects the rights and actions, which may belong to the insolvent, or which may concern the mass of the creditors. All suits brought against the insolvent anterior to his surrender of property, before the Courts of other counties, shall be transferred to the Court having jurisdiction in the county in which said insolvent shall have presented his schedule, and may be continued on motion and notice against his assignees.

Their responsibilities.

**Dividends.** 1403. SEC. 15. Whenever a dividend shall be declared, the assignees shall make out a statement, containing the names of the several creditors, mentioning the sums which are due them respectively; and the said statement shall, besides, contain the pro rata sums to be divided among all the creditors. Said assignees shall deposit said statement in the Clerk's office of the Court, who shall order that notice be given to the creditors in the same manner as for the meeting, that they show cause within fifteen days next following the publication, why the said statement should not be accepted and the distribution made agreeably to its contents.

**Accounts of assignees.** 1404. SEC. 16. Two or more creditors may at any time make a motion to know if the assignees have funds in their hands, and the said assignees shall be required to present their accounts, and if they have funds they shall distribute them without delay.

**Discharge of assignees** 1405. SEC. 17. Should the assignees refuse or neglect to render their accounts as required by the preceding section, or to pay over a dividend, when they shall have, in the opinion of the Court, sufficient funds for that purpose in their hands, the Court shall immediately discharge such assignees from their trust, and shall have power to appoint others in their place. The assignees so discharged shall deliver over to those appointed by the Court, all the funds, property, books, vouchers, and securities belonging to the insolvent, without charging any commission or expenses thereon, and shall also be condemned to pay to the new assignees, for the benefit of the mass of the creditors, twenty per cent, in addition to the amount of funds in their hands.

**Refusal to appoint assignees.** 1406. SEC. 18. If, on the day appointed for the meeting, the creditors, although duly summoned, do not attend, or refuse to appoint one or more assignees,

it shall be lawful for the Judge before whom the said meeting may take place to authorize the Sheriff of the county to receive the surrender of property offered by the debtor, and to perform in every respect the functions of assignee, and for the faithful performance of said trust he shall be responsible on his official bond; *provided*, that if any of the creditors should choose to take that charge, the Judge shall appoint said creditor for that purpose, upon said creditor giving bond, with good and sufficient security proportioned to the value of the property committed to his charge. Proviso.

1407. SEC. 19. The assignees, collectively, shall be entitled to charge and receive for their services, to wit: ten per centum upon a sum not exceeding ten thousand dollars; eight per centum upon sums above ten thousand dollars, and not exceeding thirty thousand dollars; six per centum upon sums above thirty thousand dollars, and not exceeding sixty thousand dollars; and four per centum on all sums exceeding sixty thousand dollars; *provided*, that the said commissions shall be allowed only on such net sums of money as shall actually come to their hands or be distributed by them. The mass of creditors shall in no manner be liable for the fees of counsel of the insolvent debtor in conducting a surrender of the property. Fees of assignees.  
  
Proviso.

1408. SEC. 20. That in case, after the appointment of said assignees, any one or more of the creditors of the insolvent debtor should deem necessary to oppose it, on the ground of some fraud having been committed by the said insolvent debtor, or of the appointment not having been legally made, he shall, within ten days next following the appointment of said assignees, lay before the Court which has already taken cognizance of the case, his written opposition, Fraud.  
  
Opposition of creditors

**Jury.** stating specially the several facts of nullity of the said appointment, or of fraud by him alleged against the insolvent debtor, whereupon, in case of accusation of fraud, after having received the said insolvent debtor's answer, the Court shall order a jury to be summoned, of not less than six men, to be summoned in the same manner as juries are summoned in the District Court, for the purpose of deciding on the said accusation.

**Proof of fraud.**

1409. SEC. 21. On the day or at the term appointed in such order, or any subsequent day or term, the Court shall proceed to hear the proofs and allegations of the parties; and before any other proceedings be had, shall require proof of the publication of the notice as herein provided.

**Investigation of fraud.**

1410. SEC. 22. Upon such an accusation of fraud, the creditor who shall have brought the same shall have the right to interrogate the insolvent debtor on oath, and put to him such written questions as to the state of his affairs, and the several transactions in which he may have been engaged anterior to his failure, as he shall think proper; and the insolvent shall answer, in writing, to the said interrogatories in a pertinent and distinct manner; and every equivocal answer on his part shall be construed against him.

**Penalty.**

1411. SEC. 23. If the jury summoned for the purpose of deciding on the accusation of fraud brought against such insolvent debtor declare, in their verdict, that said insolvent has been guilty of fraud, the said debtor shall forever be deprived of the benefit of the laws passed for the relief of the insolvent debtors of this State.

**If accusation of fraud is ill founded.**

1412. SEC. 24. If the accusation of fraud brought against the debtor is declared to be ill founded, or if there be no opposition to the surrender of his property, and provided said surrender has been made ac-

According to the provisions of this Act, said debtor shall Same.  
be released and fully discharged from any and all  
debts ~~until then~~ contracted, and contracted after the  
passage of this Act, and from every judicial proceed-  
ing relative to the same; *provided, always*, that the  
release and discharge authorized by this section shall  
not apply to debts and liabilities not mentioned and  
set forth in the schedule, unless the insolvent shall  
declare in his petition that it is his desire to be dis-  
charged from all his debts and liabilities, and that he  
has described them according to the best of his knowl-  
edge and recollection; in which case the discharge  
and release authorized by this section shall embrace  
all his debts and liabilities, notwithstanding they may  
have been imperfectly described, or not described at  
all. (Amendment approved April 27th, 1860, p. 283.)

1413. SEC. 25. Any insolvent debtor who shall Effect of  
fraud.  
be found guilty of fraud, as aforesaid, shall forever be  
deemed incapable of holding any office of trust or  
profit under the government of this State; shall more-  
over be liable to be prosecuted and punished as a per-  
jurer, if he should be convicted of having foresworn  
himself in any of the declarations he may have made  
agreeably to the provisions of this Act, and if con-  
victed of fraud he shall be sentenced by the Court to  
suffer imprisonment at hard labor, in the State Prison,  
for a term not less than six months nor more than two  
years.

1414. SEC. 26. If the Judge before whom the Appoint-  
ment of  
assignees  
in cases of  
opposition.  
accusation of fraud is brought, or an opposition to the  
appointment of assignees is made, thinks that the in-  
terest of the creditors of the insolvent may suffer by  
a delay of the approval of the appointment of the  
assignees, it shall be lawful for said Judge, all opposi-  
tion notwithstanding, to approve previously the said

appointment, if he finds that it had been made agreeably to law.

Fraudulent  
bankrupts.

1415. SEC. 27. That all persons shall be considered as fraudulent bankrupts, who shall be convicted of having concealed their property with the intention to keep it from their creditors, as also, those who shall be convicted of having concealed or altered their books or papers, with the same intention.

Acts of  
insolvent  
amounting  
to fraud.

1416. SEC. 28. That every insolvent debtor shall also be considered as a fraudulent bankrupt, who shall be convicted of having passed sham deeds for the purpose of conveying the whole or any part of his property and depriving his creditors thereof; or of having knowingly omitted to declare any of his property, rights, or claims in his schedule; or of having purloined his books or any of them, or of having altered, changed, or made them anew, to an intent to defraud his creditors; or of having alienated, mortgaged, or pledged any of his property; or of having committed any other kind of fraud to the prejudice of his creditors.

Fraud  
debaring  
from  
benefit  
of Act.

1417. SEC. 29. If any debtor shall be convicted of having at any time within three months next preceding his failure, sold, engaged, or mortgaged any of his goods and effects; or of having otherwise assigned, transferred, or disposed of the same, or any part thereof; or confessed judgment in order to give a preference to one or more of his creditors over the others, whereby to receive any advantages in anticipation of his failure, to the prejudice of his creditors, he shall be debarred the benefit of this Act.

Certain  
debtors  
denied  
benefit of  
this Act.

1418. SEC. 30. All insolvent debtors, owing or accountable in any manner for public funds or property of whatever nature or kind; all unfaithful depositaries; all such as refuse or neglect to pay up all funds

received by them as bankers, brokers, commission merchants; or for money, goods, or effects, received by them in a fiduciary capacity, shall be denied the benefit of this Act; *provided*, that such parties may avail themselves of this Act for the purpose of procuring an equal distribution of their assets among their creditors, and for that purpose only said Act shall apply to estates of such insolvents in this section mentioned; and, *provided further*, such debtor may be discharged from all debts not named in this section. (Amendment approved March 12th, 1858, p. 58.)

Same.

Proviso.

1419. SEC. 31. If, after the presentation of his petition, the insolvent shall sell or in any manner transfer or assign any of his property, or collect any debts due him, and shall not give a just and true account of the property so sold or transferred, and the moneys so collected, and pay the same over to the assignees within ten days after their appointment, said debtor shall not receive the benefit of this Act.

Transfers and assignments of property after petition filed.

1420. SEC. 32. Whenever any insolvent debtor has had the benefit of this Act, if thereafter, at any time, it is made to appear that he has concealed any part of his property or estate, or given a false schedule, or committed any fraud under the provisions of this Act, it is hereby declared that he has forfeited all benefit and advantage which he would otherwise have had by virtue of this Act, and he cannot avail himself of any of its provisions, in bar to any claim that may be instituted against him.

Concealing property.

1421. SEC. 33. No person can apply for or receive the benefit of this Act through an agent or attorney in fact.

Insolvents to apply in person.

1422. SEC. 34. From and after the surrender of the insolvent debtor, all property of shall be fully vested in his assignee or

Surrender of property

assignees, for the benefit of his creditors, and shall not be liable to be seized, attached, taken, or levied on, by virtue of any execution issued against the property of said insolvent, and the assignees, who may be appointed, shall take possession of and be entitled to claim and recover all the said property, and to administer and sell the same, as herein provided.

Non-resi-  
dent  
creditors.

1423. SEC. 35. If there be any creditors residing without the limits of this State, the Judge shall appoint an attorney to represent them; but the fees of said attorney shall in no case be paid by the mass of creditors, but shall be levied on the amount of the sums which shall be recovered for the account of such non-resident creditors, at the rate of ten per centum; *provided*, that in no case shall the whole fees allowed to counsel, appointed on behalf of said creditors, exceed the sum of three hundred and fifty dollars.

Proceed-  
ings where  
debtor has  
no property

1424. SEC. 36. In case the debtor who applies for the benefit of this Act should have no property to surrender to his creditors, or if the appraised value of the property exhibited in his schedule should not amount to more than one third of his debts, in case he should already have received the benefit of this Act during the year next preceding, the Judge before whom application is made shall not admit him to the benefit of this law, unless it be proven to the said Judge, by affidavit, sworn and subscribed to by two credible and disinterested witnesses, that the debtor has really experienced the losses by him stated, and that the said losses may have reduced him to the situation in which he finds himself; *provided*, all legal mortgages and liens, bona fide existing on such property at the time of the surrender, as aforesaid, shall remain good and valid, and may be enforced in the same manner as though no such surrender had been made.

Proviso.



1425. SEC. 37. All the goods, titles, and claims which the insolvent debtor shall have declared in his schedule, shall be delivered up to the assignees as soon as they shall have been appointed; and, in case the debtor should refuse to deliver up the goods, titles, effects, or estates in his possession, the Judge shall oblige to that delivery, either by ordering the Sheriff to seize the said property, to be by him delivered up to the assignees, or causing the said insolvent to be imprisoned until the said delivery shall be effected.

Assets  
to be  
delivered  
to assignees

1426. SEC. 38. The assignee or assignees appointed under this Act, shall make out a true account of all the disbursements made by them in discharge of their duties as assignee or assignees, which shall be verified by the oath of such assignee or assignees, and shall deliver the same to the Judge having jurisdiction of the subject matter; and such Judge shall in writing certify such part or parts of the same as he shall deem to be just, and necessarily expended by said assignee or assignees in the discharge of their duty, which amount so allowed shall be paid out of the property of such insolvent debtor.

Assignees  
to make  
account of  
disburse-  
ments.

1427. SEC. 39. No assignment of any insolvent debtor, otherwise than as provided in this Act, shall be legal or binding upon creditors.

Other  
assign-  
ments not  
binding  
upon  
creditors.

1428. SEC. 40. All laws or parts of laws repugnant to, or in any manner conflicting with the provisions of this Act, are hereby repealed. This Act shall take effect from and after the first day of June next.

Conflicting  
laws  
repealed.

Commence-  
ment of  
this Act.

The Act for the relief of insolvent debtors, and protection of creditors, approved May 4th, 1852, p. 69, and the Acts amendatory thereof, approved March 12th, 1858, p. 58, and April 27th, 1860, p. 283, and April 27th, 1863, p. 750, have all been superseded by the United States Bankruptcy Act.

Should the United States statute ever be repealed, then the Acts above given would be in force.

See Code Civil Procedure, Sec. 1822.

## CHAPTER CXI.

## INSURANCE COMMISSIONER.

## SECTION 1429. Reference to Acts.

Reference  
to Acts.

## 1429.

An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as security for transacting business in this State, approved March 26th, 1868, p. 336.

The Political Code, Secs. 594 to 632, inclusive, "INSURANCE COMMISSIONER," supersedes the above law.

## CHAPTER CXII.

## INTELLIGENCE OFFICES.

## SECTION 1430. Reference to Acts.

Reference  
to Acts.

## 1430.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to regulate and license intelligence offices in said city and county, approved May 17th, 1861, p. 412.

For "LICENSE FOR INTELLIGENCE OFFICES," see Political Code, Sec. 3380.

## CHAPTER CXIII.

## INTEREST.

## SECTION 1431. Reference to Acts.

Reference  
to Acts.

## 1431.

An Act to regulate the interest of money, passed March 13th, 1850, p. 92.

Amendment, approved April 4th, 1870, p. 699; took effect from passage, superseding amendment approved March 30th, 1868, p. 553.

The Civil Code, Secs. 1917 to 1920, inclusive, supersede the above laws.

CHAPTER CXIV.

INYO COUNTY.

SECTION 1432. Reference to special and local Acts.

1432.

- Organization and boundaries of, Stats. 1866, p. 355; 1870, p. 421.
- In Twelfth Senatorial District, Stats. 1866, p. 357.
- In Sixteenth Judicial District, Stats. 1866, p. 863.
- Terms of District Courts, Stats. 1866, p. 863; 1868, p. 33.
- Notaries Public in, Stats. 1866, p. 865.
- To levy special tax for building purposes, Stats. 1868, p. 12; 1870, p. 47.
- To provide for payment of debt, Stats. 1868, p. 152; 1870, p. 421.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- To sell certain real estate, Stats. 1868, p. 502.
- Legal districts defined, Stats. 1868, p. 563.
- For the relief of Anna Lee, Stats. 1868, p. 664.
- Leave of absence to County Clerk, Stats. 1870, p. 404.

Reference  
to special  
and local  
Acts.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXV.

## JUDGES OF THE PLAINS.

SECTION 1433. Supervisors to appoint.

1434. Duties.

1435. To decide disputes as to ownership to cattle.

1436. Appeal from decision; proviso.

1437. Persons traveling with catttle, the property of others,  
to have certificate of owners.

1438. When cattle to be detained.

1439. Duty of Judges of the Plains as to arrests.

1440. Dereliction of duty.

1441. Compensation.

1442. Powers of Supervisors; to take effect.

*An Act concerning Judges of the Plains (Jueces del Campo), and defining their duties.*

[Passed April 25, 1851, p. 515.]

[Enacting clause.]

Supervisors  
to appoint.

1433. SECTION 1. The Board of Supervisors of each county in this State may, at their first regular meeting in each year, appoint such number of Judges of the Plains for their respective counties as they may deem necessary. Said Judges of the Plains shall hold their office for the term of one year, and until their successors are appointed and qualified. (Amendment approved April 25th, 1863, p. 497.)

Duties.

1434. SEC. 2. Judges of the Plains are hereby required and it is made their duty to attend all rodeos or gathering of cattle, whether for the purpose of marking and branding, or for the purpose of separating cattle, when called upon by any ranchero, farmer, or owner of stock, that may be made in their respective counties. (Amendment approved April 25th, 1863, p. 497.)

To decide  
disputes  
as to  
ownership

1435. SEC. 3. Whenever any dispute arises respecting the ownership, mark, or brand of any horse, mule,

jack, jenny, or horned cattle, it shall be the duty of the Judges of the Plains to decide on such dispute.

1436. SEC. 4. Any party interested in the dispute of the ownership, mark, or brand of any animals as enumerated above, may appeal from the decision of the Judges of the Plains to a Justice of the Peace of the township where such dispute may arise; *provided*, such appeal be made within twenty-four hours after the judgment has been notified to him.

Appeal  
from  
decision.

Proviso.

1437. SEC. 5. All persons traveling with cattle, sheep, hogs, horses, or mules, shall, in case said animals be not of their own mark and brand, be obliged to procure from the person or persons from whom they obtain such cattle, or from the Justice of the Peace residing nearest to the farm or place where they may obtain the same, a certificate of the number and kind of such cattle, and the mark and brand which distinguished the same; and they shall allow such animals to be subject to the inspection of owners of lands through which they may pass, and upon arriving at any city, town, or village, shall present themselves to a Judge of the Plains, and state the number and kind of such animals; and it shall be the duty of the Judge of the Plains to examine the band or drove, and accompany them out of the precinct of such city, town, or village.

Persons  
traveling  
with cattle,  
the prop-  
erty of  
others,  
to have  
certificate  
of owners.

1438. SEC. 6. That if the number and kind of animals do not agree with the report of the owner or person in charge, and with the certificates in his possession, the Judge of the Plains shall detain the band or drove, and take the owner or person in charge before the nearest magistrate for examination.

When  
cattle to be  
detained.

1439. SEC. 7. The Judge of the Plains shall arrest and take before any magistrate any person who may be accused to him, or whom he has reasonable

Duty of  
Judges of  
the Plains  
as to  
arrests.

**Same.** ground to suspect of killing, hiding, or otherwise taking away cattle, horses, or other animals belonging to others, and shall execute any warrant delivered to him by any magistrate for larceny or other offense concerning said described property; he shall execute any warrant delivered to him by any Justice of the Peace, for the purposes herein named, and otherwise shall have and exercise the same powers as any Sheriff, Constable, or police officer, in the cases provided for by the Act entitled "An Act to punish vagrants, vagabonds, and dangerous and suspicious persons," approved April thirtieth, eighteen hundred and fifty-five, and the Act amendatory thereof, approved February nineteenth, eighteen hundred and fifty-six; for making an arrest, or the service of process, or other services in criminal cases, he shall receive the same fees or compensation as the Sheriff. (Amendment approved March 31st, 1857, p. 158.)

**Dereliction  
of duty.**

1440. SEC. 8. That should complaint be brought against any Judge of the Plains for dereliction of duty, the same being sustained, shall be considered as guilty of a misdemeanor, and shall be liable to prosecution for the same.

**Compensation.**

1441. SEC. 9. The Judge of the Plains shall receive such compensation for his services as may be fixed upon by the Board of Supervisors at the time of his appointment, not to exceed the sum of five dollars for each day actually employed, and which shall be paid by the party in default, or by the party requiring his services. (Amendment approved April 25th, 1863, p. 497.)

**Powers of  
Supervisors**

1442. SEC. 10. The Board of Supervisors may make such other local regulations with respect to the duties of the Judges of the Plains that they may deem necessary. (Amendment approved April 25th, 1863, p. 497.)

SEC. 11. This Act shall take effect from and after the first day of July; and all laws now in force in this State, having relation to Judges of the Plains, are hereby repealed. To take effect.

The various Acts in relation to Judges of the Plains, existing before the adoption of the Codes, are continued in force by the Political Code, Sec. 19. Some of the duties of Judges of the Plains will also be found in several of the Acts relating to "MARKS AND BRANDS."

## CHAPTER CXVI.

### JURORS.

#### SECTION 1443. Reference to Acts.

#### 1443.

An Act concerning jurors, passed April 28th, 1851, p. 290, was repealed by Reference to Acts.

An Act concerning jurors, approved May 3d, 1852, p. 107; amended January 28th, 1854, p. 1; April 8th, 1859, p. 184; May 16th, 1861, p. 407; and April 10th, 1862, p. 209. This Act, and all Acts and provisions amendatory and supplementary thereto, was repealed by the Act of April 27th, 1863, p. 630.

There were also a number of special Acts, changing the manner of summoning jurors for the Court of Sessions or County Court in various counties, references to which will be found under the heads of such counties, but they have all been repealed or superseded by the following Acts:

#### JURORS IN GENERAL.

The following is the general Act in regard to jurors, but it does not apply to the counties named under its title, except where it does not conflict with the Acts relating to jurors in those counties:

An Act concerning Grand and trial jurors, approved April 27th, 1863, p. 630.

See following Acts for jurors in Plumas, Humboldt, Klamath, Del Norte, Butte, Siskiyou, Nevada, El Dorado, Tehama, Colusa, Tulare, Sutter, Trinity, Sierra, Lassen, Kern, and San Francisco Counties.

Amendment approved April 4th, 1863; Stats. 1863-4, p. 450.

JURORS IN PLUMAS, HUMBOLDT, KLAMATH, DEL NORTE, BUTTE, SISKIYOU, NEVADA, EL DORADO, TEHAMA, COLUSA, TULARE, SUTTER, TRINITY, SIERRA, AND LASSEN COUNTIES.

An Act concerning jurors in certain counties, approved April 4th, 1864; Stats. 1863-4, p. 524; amended February 10th, 1868, p. 39.

An Act to prescribe the mode of drawing Grand Jurors and trial jurors in the City and County of San Francisco, approved April 2d, 1857, p. 168, amended April 14th, 1858, p. 155, and April 9th, 1859, p. 190, was repealed by the following Act:

An Act concerning jurors in the City and County of San Francisco, approved May 20th, 1861, p. 573.

Amendment approved April 27th, 1863, p. 614; took effect January 1st, 1864.

Amendatory Act, approved April 27th, 1863, p. 614.

An Act amendatory of and supplementary to the foregoing Act of May 20th, 1861, approved April 27th, 1863, p. 614.

For local Acts, see reference under heads of various counties.

See Code of Civil Procedure, Secs. 190 to 254, inclusive, "OF JURORS."

## CHAPTER CXVII.

### KERN COUNTY.

SECTION 1444. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1444.

Act to create and define boundaries, Stats. 1866, p. 796; 1868, p. 40.

Terms of District Court, Stats. 1866, p. 863; 1868, p. 33.

Notaries Public in, Stats. 1866, p. 865.

Act concerning jurors, Stats. 1868, p. 39.

Granting leave of absence to District Attorney, Stats. 1868, p. 144.

Salary of County Judge and District Attorney, Stats. 1868, p. 41.

For payment of debt due Tulare and Los Angeles, Stats. 1868, p. 210.

Contingent Fund created, Stats. 1868, p. 291.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

For the relief of W. B. Ross, Stats. 1868, p. 537.

Legal distances defined, Stats. 1868, p. 563.

For the relief of Anna Lee, Stats. 1868, p. 664.

Special tax for current expenses, Stats. 1870, p. 54.

Salary of County Judge, Stats. 1870, p. 68.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found



in Political Code, Part I, and, to a certain extent, as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum,\*and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXVIII.

### KLAMATH COUNTY.

SECTION 1445. Reference to special and local Acts.

#### 1445.

Boundaries, Stats. 1851, p. 180; 1855, p. 200; 1857, p. 35.

Seat of justice, Stats. 1854, p. 33; 1856, p. 32.

Concerning records kept previous to organization, Stats. 1851, p. 313.

Providing for organization, Stats. 1851, p. 516.

Legalizing official acts of County Judge and other county officers in changing seat of justice, Stats. 1854, p. 33; 1856, p. 32.

Fixing compensation of County Judge, Stats. 1855, p. 150; 1858, p. 18; 1862, p. 528.

Regulating fees of certain county officers, Stats. 1856, p. 57.

Creating Board of Commissioners to examine and report on claims of citizens for services rendered and supplies furnished for suppression of Indian hostilities, Stats. 1856, p. 109.

Concerning county officers, Stats. 1856, p. 136.

Providing for funding of indebtedness, Stats. 1857, p. 144.

Reducing amount of bonds to be given by county officers, Stats. 1858, p. 206.

Authorizing F. F. Marx and others to construct wharf at Trinidad, Stats. 1858, p. 252.

Authorizing C. B. Ryder to construct wharf at Trinidad Bay, Stats. 1859, p. 189.

For adjustment and final settlement of indebtedness of Del Norte County to Klamath County, Stats. 1860, p. 73.

Concerning office of Assessor, Stats. 1860, p. 124.

Authorizing J. Camp and J. M. Fry to remove certain remains, Stats. 1861, p. 55.

Concerning roads and highways, Stats. 1861, p. 160; 1862, p. 69; 1863-4, p. 296.

Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.

To provide means to pay indebtedness of Del Norte County to Klamath County, Stats. 1862, p. 209.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

Authorizing Board of Supervisors to levy special tax and create Redemption Fund to pay county indebtedness, Stats. 1862, p. 215.

Fixing salary of District Attorney, Stats. 1862, p. 528.

Regulating mileage, Stats. 1863, p. 241.

Regulating fees of officers, Stats. 1863, p. 281.

Authorizing Board of Supervisors to levy special tax to create Contingent Fund, Stats. 1863-4, p. 9.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

Fixing amount of official bonds of county officers, Stats. 1863-4, p. 480.

Indigent sick, Stats. 1866, p. 13.

Canal companies, amendment to Act, Stats. 1866, pp. 53, 604; 1868, p. 134.

Interest and Sinking Fund created, Stats. 1866, p. 199.

To aid in repairing road and trail from Trinidad, Stats. 1866, p. 374.

Exempted from provisions of road law, Stats. 1866, p. 381.

Roads and highways, special Act, Stats. 1866, p. 544.

Funding indebtedness section repealed, Stats. 1866, p. 637.

Create Redemption Fund by special tax, Stats. 1866, p. 638.

Act concerning jurors, Stats. 1868, p. 39.

Public and private roads, Stats. 1868, p. 158; 1870, p. 231.

Privilege granted to remove human remains, Stats. 1866, p. 161.

Indigent sick, Stats. 1868, p. 293; 1870, p. 9.

Official bonds of county officers, Stats. 1868, p. 349; 1870, p. 48.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

For the relief of T. M. Brown, Stats. 1868, p. 644.

Payment of warrants against Hospital Fund, Stats. 1870, p. 8.

Concerning hogs found running at large, Stats. 1870, p. 305.

To transfer money from Hospital to Indigent Fund, Stats. 1870, p. 9.

To aid in constructing telegraph lines, Stats. 1870, p. 508.

Changing time of settlement with State, Stats. 1870, p. 424.

#### TOWN OF CRESCENT CITY.

Authorizing S. G. Whipple and others to build a wharf, Stats. 1853, p. 201.

To incorporate Crescent City, Stats. 1854, p. 68; 1857, pp. 56, 225; 1858, p. 233.

Authorizing location of the town site, Stats. 1859, p. 24; 1860, p. 279; 1862, p. 226.

Concerning roads and highways, Stats. 1863-4, p. 296 (refers to Stats. of 1862, p. 69).

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and

the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Sec. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CXIX.

### LABOR.

SECTION 1446. Reference to Acts.

#### 1446.

An Act to limit the hours of labor, approved May 17th, 1853, p. 187. Reference to Acts.

An Act to limit the hours of labor, approved February 21st, 1868, p. 63.

An Act to protect the wages of labor, approved March 21st, 1868, p. 213.

An Act in relation to labor and materials on the public buildings of the State of California, approved April 4th, 1870, p. 777.

An Act for the relief and support of the California Labor and Employment Exchange, approved April 1st, 1870, p. 543.

Labor on public buildings to be done by days' work; Political Code, Sec. 3233. Material must be furnished by contract; Political Code, Sec. 3234. Eight hours to constitute a day's labor; Secs. 3244 and 3245.

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## CHAPTER CXX.

### LAKE COUNTY.

SECTION 1447. Reference to special and local Acts.

#### 1447.

Boundaries, Stats. 1861, p. 560; 1863-4, p. 111.

Seat of justice, Stats. 1861, p. 563; 1863-4, p. 97.

Providing for organization, Stats. 1861, p. 560; 1863-4, p. 111.

Authorizing and requiring Board of Supervisors to levy special tax

Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

for improving and repairing public highway connecting Napa City and Lakeport, Stats. 1863, pp. 28, 577; 1863-4, p. 113.

Conferring further powers upon Board of Supervisors (regarding road poll tax), Stats. 1863, p. 498.

Submitting question of removal of county seat to qualified voters, Stats. 1863-4, p. 97.

Authorizing County Treasurer to collect and receive certain public moneys as revenue, Stats. 1863-4, p. 110.

Defining legal distances, etc., Stats. 1863-4, p. 154.

Granting right of way over certain lands for construction of wagon road by G. Shaul and others, Stats. 1863-4, p. 168.

Time of holding District Court in, Stats. 1866, p. 13.

Right of way for wagon road, Stats. 1866, p. 112.

For the relief of J. B. Cook, Treasurer, Stats. 1866, p. 126.

Time of holding County and Probate Courts, Stats. 1866, p. 159.

Franchise for turnpike road to Seigler Valley, Stats. 1866, p. 277.

Franchise to W. G. Hunt and others to construct lock in Cache Creek, Stats. 1866, p. 542.

Franchise to W. D. Fiske and associates for turnpike road to Yolo County, Stats. 1866, p. 584.

District Attorneys and their successors, Stats. 1866, p. 325.

Public roads in, Stats. 1866, p. 621.

Public highway from Suisun City to Knoxville, Stats. 1866, p. 616; repealed, Stats. 1868, p. 615.

Boundaries of, Stats. 1866, p. 896; 1867-8, p. 93.

Salaries of officers, Stats. 1866, p. 807; see general law, Stats. 1870, p. 148.

Treasurers to collect certain revenue, Stats. 1866, p. 827.

Removal of county seat, Stats. 1866, p. 839.

Franchise to W. G. Hunt repealed, Stats. 1868, p. 57.

District Attorney, office of, Stats. 1866, p. 325.

Compensation of School Superintendent, Stats. 1868, p. 64.

To provide for collection of revenue, Stats. 1868, pp. 93, 434.

Franchise for turnpike to Lawley and others, Stats. 1868, p. 138.

Boundaries, Stats. 1868, pp. 168, 142, 269.

To legalize acts of Supervisors, Stats. 1868, p. 265.

To provide for erection of county buildings, Stats. 1868, p. 270; Act amended, Stats. 1870, p. 79.

Salary of County Treasurer, Stats. 1868, p. 277.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To legalize assessment of taxes, Stats. 1868, p. 552.

To repeal Act for location of public highway from Suisun City, Stats. 1868, p. 615.

Franchise to W. H. Manlove for wagon road, Stats. 1870, p. 229.

Tax for payment of wagon road bonds, Stats. 1870, p. 230.

To locate county seat, Stats. 1870, p. 442.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in

their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXXI.

### LANDLORD AND TENANT.

SECTION 1448. Reference to Acts.

1448.

An Act relating to the rights and duties of landlords and tenants, approved May 18th, 1861, p. 514. Reference to Acts.

An Act concerning forcible entries and unlawful detainers, passed April 22d, 1850, p. 425, Sec. 13, and various amendatory and supplemental Acts, particularly the Act of May 20th, 1861, p. 582, and the Act of April 25th, 1862, p. 420, provided for cases of holding over after rent due, etc., as between landlord and tenant. All those Acts were repealed by the Act concerning forcible entries and unlawful detainers, of April 27th, 1863, p. 652; and the Legislature seemed to divide the subjects theretofore embraced in one Act, by the passage, in addition to the Act referred to, of the following separate Act, which embraced, with further provisions, the provisions referred to.

An Act concerning unlawful holding over of lands, tenements, and other possessions, approved April 27th, 1863, p. 586.

See Civil Code, Div. III, Part IV, Title V, "HIRING," Secs. 1925 to 1959, inclusive; see, also, Code of Civil Procedure, Secs. 1159 to 1178, inclusive, "SUMMARY PROCEEDINGS FOR OBTAINING POSSESSION OF REAL PROPERTY IN CERTAIN CASES."

The Part of the Code of Civil Procedure referred to supersedes the Forcible Entry and Detainer Act.

## CHAPTER CXXII.

## LANDS OF STATE.

SECTION 1449. Reference to Acts relating to school lands.

1450. Reference to Acts relating to swamp and overflowed, salt marsh, and tide lands.

1451. Reference to Acts relating to Land Office of State.

1452. Reference to Acts relating to land ceded to United States.

1453. Reference to Acts relating to beach and water lots in San Francisco.

1454. Reference to Acts relating to lands in general.

1455. Reference to Acts relating to swamp and overflowed lands.

1456. Reference to Acts relating to salt marsh and tide lands.

1457. Reference to special and local Acts.

## SCHOOL LANDS.

Reference  
to Acts  
relating  
to school  
lands.

## 1449.

An Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, that the people of the State of California may avail themselves of the benefits of the eighth section of the Act of Congress, approved April 4th, 1841, Chapter 16, entitled an Act to appropriate the proceeds of the sales of the public lands and to grant preëmption rights, the following provisions are hereby enacted; approved May 3d, 1852, p. 41. This Act was repealed, with a saving of vested rights, by the Act of April 23d, 1858, p. 248. It is, however, thought advisable to give it on account of vested rights, and as explanatory and illustrative of other legislation.

An Act to provide for the selection of lands donated by the United States to the State of California, for the support of common schools, and for the erection of public buildings, approved May 7th, 1855, p. 281.

An Act authorizing the location and protecting of school lands, approved April 30th, 1857, p. 356.

An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April 23d, 1858, p. 248.

Amendment, approved March 24th, 1864; Stats. 1863-4, p. 232, took effect from April 4th, 1864; see Stats. 1863-4, p. 436.

Amendment approved February, 1859, p. 33.

An Act amendatory of and supplemental to the foregoing Act of April 23d, 1858, approved February 18th, 1859, p. 33.

An Act to provide for the sale of the sixteenth and thirty-sixth sec-

tions of land donated to this State for school purposes, by Act of Congress passed March 3d, 1853; approved April 26th, 1858, p. 318. Same.

An Act amendatory of and supplemental to the foregoing Act of April 23d, 1858, and the amendatory Act thereof of February 18th, 1859; approved April 22d, 1861, p. 218.

An Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April 23d, 1858; approved April 16th, 1859, p. 338; amendment approved April 10th, 1860, p. 166.

An Act to provide for the location of school land warrants upon unsurveyed lands, and for the issuance of title for the same; approved April 18th, 1859, p. 301.

An Act to provide for the annulling of certificates of purchase of lands sold on a credit and declared forfeited for the non-payment of interest, or principal, and for the relief of purchasers of swamp and overflowed lands, approved April 9th, 1861, p. 140.

An Act in relation to the entry of lands in certain cases, and to provide for the issuance of patents therefor, approved April 29th, 1861, p. 251.

An Act to provide for the sale of certain lands belonging to the State, approved April 27th, 1863, p. 591.

An Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents, approved April 1st, 1864; Stats. 1863-4, p. 301.

An Act to give effect to patents for lands issued in the names of deceased persons, approved February 13th, 1860, p. 28.

See note under the heading, "LANDS IN GENERAL."

#### SWAMP AND OVERFLOWED, SALT MARSH, AND TIDE LANDS.

#### 1450.

An Act to provide for the sale of the swamp and overflowed lands belonging to this State, approved April 28th, 1855, p. 189.

An Act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this State, approved March 13th, 1858, p. 58.

Reference  
to Acts  
relating to  
swamp and  
overflowed,  
salt marsh,  
and tide  
lands.

An Act to authorize the Boards of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April 8th, 1858, p. 120.

See "WHARVES."

An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April 21st, 1858, p. 198.

An Act amendatory of the foregoing Act of April 21st, 1858, approved April 18th, 1859, p. 340.

An Act for the relief of purchasers of lands from the State of California, approved April 8th, 1859, p. 180.

An Act making certificates of purchase, or of location, evidence of title, approved April 13th, 1859, p. 227.

See "CONVEYANCES."

Same.

An Act to give effect to patents for lands issued in the names of deceased persons, approved February 13th, 1860, p. 28.

An Act to extend the time for the payment of the principal of the purchase money on lands sold by the State on a credit, approved February 5th, 1861, p. 6.

An Act to provide for the annulling of certificates of purchase of lands sold on a credit and declared forfeited for the non-payment of interest or principal, and for the relief of purchasers of swamp and overflowed lands, approved April 9th, 1861, p. 140.

An Act in relation to the entry of lands in certain cases, and to provide for the issuance of patents therefor, approved April 29th, 1861, p. 251.

An Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh and tide lands, donated to the State of California by Act of Congress, approved May 13th, 1861, p. 355.

Amendment, approved April 25th, 1863, p. 523.

An Act supplemental to the foregoing Act of May 13th, 1861, approved April 11th, 1862, p. 197.

Amendment, approved March 24th, 1864; Stats. 1863-4, p. 230; took effect from passage.

An Act to amend the foregoing Act of May 13th, 1861, approved April 25th, 1863, p. 523.

An Act to provide for the sale of the marsh and tide lands of this State, approved May 14th, 1861, p. 363.

An Act for the relief of purchasers of swamp and overflowed, salt marsh, and tide lands, approved April 10th, 1862, p. 238.

An Act concerning the locating and patenting of certain swamp and overflowed lands, approved May 2d, 1862, p. 476.

An Act for the relief of purchasers of swamp and overflowed, salt marsh, and tide lands, approved March 31st, 1863, p. 141.

An Act to provide for the reclamation of salt marsh and tide lands, approved April 27th, 1863, p. 684.

An Act to provide for the punishment of persons cutting timber upon or carrying the same, when cut down, from any of the swamp and overflowed, tide, or marsh, or school lands belonging to this State, approved April 27th, 1863, p. 739.

See "TREES," etc.

An Act to prevent the destruction of timber on the public lands in this State, approved March 2d, 1864; Stats. 1863-4, p. 136.

See "TREES," etc.

An Act relating to certain swamp land districts therein named, approved April 1st, 1864; Stats. 1863-4, p. 287.

An Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents, approved April 1st, 1864; Stats. 1863-4, p. 301.

An Act in relation to Swamp Land District Funds, approved April 4th, 1864; Stats. 1863-4, p. 472.

See note under heading, "LANDS IN GENERAL."



LAND OFFICE OF STATE.

1451.

An Act creating a State Land Office for the State of California, approved April 10th, 1858, p. 127.

Reference  
to Acts  
relating to  
Land Office  
of State.

This Act, which was amended April 16th, 1859, p. 296, appears to have been entirely superseded by the Act of April 27th, 1863, p. 591, which created the office anew.

An Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to school, or swamp and overflowed, and salt marsh and tide lands, when the originals have been lost or destroyed, approved April 15th, 1862, p. 242.

This Act, like the foregoing, seems to be superseded not only by the establishment of the office of Register anew, but by new provisions in the Act of April 27th, 1863, p. 591, having the same object.

An Act fixing the salary of the Register of the State Land Office (at one thousand six hundred dollars per annum), approved April 28th, 1860, p. 334, was virtually repealed by the following Act:

An Act in relation to the Register of the State Land Office, approved April 3d, 1862, p. 104.

An Act to provide for the filing of a list of the lands claimed by the State under the provisions of the various Acts of Congress, making donations to the State, approved May 12th, 1862, p. 517.

An Act to provide for the sale of certain lands belonging to the State, approved April 27th, 1863, p. 591.

LANDS CEDED TO THE UNITED STATES.

1452.

An Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes, approved April 27th, 1852, p. 149.

Reference  
to Acts  
relating  
to land  
ceded to  
United  
States.

An Act to grant the right of way to the United States for railroad purposes, approved May 1st, 1852, p. 150.

See "PACIFIC RAILROAD."

An Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes, passed May 3d, 1854, p. 149.

This Act authorized the conveyance to the United States of all right, title, and interest of the State to the beach and water property, bounded on the north by Jackson street, on the east by Battery street, on the south by Washington street, and on the west by Sansome street, on certain conditions, for the purposes of a Custom House, etc.

An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified, passed May 11th, 1854, p. 161.

The object of this Act is expressed pretty fully in the title. The State retains concurrent jurisdiction, so far as the execution of civil and criminal process is concerned, and the property is exonerated from taxation.

Same.

An Act extending the provisions of the foregoing Act of April 27th, 1852, p. 149, to a grant of six hundred acres of land adjoining the City of Benicia, made by T. O. Larkin and wife, R. Semple and wife, and B. Phelps, to the United States, on April 16th and 17th, 1849, and now occupied for military purposes, was approved March 14th, 1855, p. 45.

An Act authorizing the United States to purchase land for public purposes, approved March 10th, 1857, p. 74, was repealed by Act approved February 14th, 1859, p. 27.

An Act to authorize and empower the City and County of San Francisco to convey to the United States a site for a light-house, approved March 17th, 1858, p. 70.

This Act authorized the conveyance of a lot of land four hundred feet square, with right of way, at Point Lobos.

An Act to provide for the relinquishment to the United States, in certain cases, to title in lands for sites of light-houses, and for other purposes, on the coasts and waters of this State, approved February 14th, 1859, p. 26.

An Act ceding jurisdiction to the United States over certain lands, approved April 16th, 1859, p. 334.

This Act cedes to the United States jurisdiction over such lands as may be required for the purpose of military defense at Lime Point Bluff, on the Bay of San Francisco, reserving concurrent jurisdiction for the execution of civil and criminal process.

An Act declaring the consent of the Legislature of the State of California to the purchase by the United States of certain lands that have or may hereafter be purchased by the United States in the State of California, and to vest the jurisdiction over the same in the United States, for the purpose herein specified, approved April 29th, 1861, p. 259.

This Act refers to lands in Marin, Mendocino, Humboldt, and Klamath Counties, for the purpose of erecting light-houses, beacons, fog guns, ear signals, etc., the State reserving concurrent jurisdiction for the execution of civil and criminal process.

An Act granting certain lands to the United States, approved May 14th, 1862, p. 552.

This Act grants all lands belonging to the State, and within any Indian reservation, to the United States.

#### BEACH AND WATER LOTS IN SAN FRANCISCO.

### 1453.

An Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851, p. 307.

An Act in relation to the City of San Francisco, passed May 1st, 1851, p. 311 (authorizing the city to construct wharves on the line of the streets two hundred yards beyond the outside line of the beach and water lots, and relinquishing the right of the State to the city to the beach and water lots, on condition that the city should confirm the title to all lots granted by any Justice of the Peace within the boundaries of Vallejo street on the north, Harrison street on the south, the easterly boundary of the beach and water lots on the east, and Front and Fre-

Reference  
to Acts  
relating to  
beach and  
water lots  
in San  
Francisco.

mont streets on the west, excepting the slips bounded by Davis, Clay, Same. and Sacramento streets, and titles and leases confirmed to individuals by former grants of the Legislature, recorded prior to February 1st, 1851), was repealed by Act approved March 12th, 1853, p. 36.

An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the foregoing Act of March 26th, 1851, p. 307, approved May 18th, 1853, p. 219.

An Act supplementary to and amendatory of the foregoing supplementary and amendatory Act of May 1st, 1855, approved April 12th, 1858, p. 139.

An Act to provide for the sale of certain property of the State of California within the water line front of the City and County of San Francisco, approved April 26th, 1858, p. 323.

An Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain overflowed lands in the City and County of San Francisco, approved April 25th, 1863, p. 487.

This Act authorizes the sale of lands at Hunter's Point, in front of the lands of the association, to a distance not to exceed two hundred feet from low-water mark, but not beyond six feet water at the lowest stage of the tide.

An Act to authorize the sale and conveyance to the Golden City Homestead Association of certain overflowed lands in the City and County of San Francisco, approved April 4th, 1864; Stats. 1863-4, p. 463.

This Act authorizes the sale of lands in front of the lands of the association, on the Potrero Nuevo, easterly to the easterly line of Massachusetts street.

An Act to authorize the sale and conveyance to the North San Francisco Homestead and Railroad Association of certain overflowed lands in the City and County of San Francisco, approved April 4th, 1864; Stats. 1863-4, p. 482.

This Act authorizes the sale of lands, in front of those of the association, northerly to six feet water at low tide.

A number of special Acts have been passed in regard to certain portions of the lands belonging to the State, some granting to cities and towns the overflowed lands in front of them, as in the cases of Benicia, Martinez, and so on; others granting swamp and overflowed lands for the purposes of drainage and reclamation, as in several cases in Tulare Valley. References to these Acts will be found under the heads of the respective counties in which the lands are situated.

Attention may also be here called to the numerous resolutions adopted by the Legislature with reference to arranging the land business of the State, and to procuring further donations for various internal improvements, especially railroads. These resolutions will be found in the various volumes of statutes, principally after 1853.

## LANDS IN GENERAL.

The laws in relation to the school lands, swamp and overflowed lands, salt marsh, and tide lands of the State, as well as those relating to the State Land Office, have all been repealed and superseded by the following Acts:

Reference  
to Acts  
relating  
to lands  
in general.

## 1454.

An Act to perfect title to lands granted by the United States to the State of California, approved April 1st, 1870, p. 572.

An Act to provide for the management and sale of the lands belonging to the State, approved March 28th, 1868, p. 507. Amendment approved April 4th, 1870, p. 814; took effect from passage. Amendment approved April 4th, 1870, p. 875; took effect from passage. Amendment became a law by operation of the Constitution, January 21st, 1870, p. 14; took effect from passage.

An Act supplementary to the foregoing Act, approved April 4th, 1870, p. 878.

An Act in relation to the school lands of the State, approved April 4th, 1870, p. 862.

An Act to legalize certain applications for the purchase of lands belonging to this State, approved March 24th, 1870, p. 352.

An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property, approved March 30th, 1868, p. 708.

Reference  
to Acts  
relating to  
swamp and  
overflowed  
lands.

## 1455.

With reference to swamp and overflowed lands, the following Acts, amendatory and supplementary to the Act in relation to the reclamation and segregation of the swamp and overflowed lands of the State of California, and approved May 13th, 1861, p. 355, by Sec. 71 of the above Act, approved March 28th, 1868, p. 507, were repealed, to wit: the Acts amendatory and supplementary, approved respectively March 31st, 1866, p. 530, and April 2d, 1866, p. 799, and the Acts supplementary, approved respectively April 2d, 1866, p. 661, and April 2d, 1866, p. 832; and the Act to provide for the selection of lands donated by Congress by Act of 1862 for the endowment of colleges, approved April 2d, 1866, p. 674; and the Act amendatory to the Act of 1859, p. 334, to provide for the issuance of patents to lands located with school land warrants, approved April 2d, 1866, p. 854.

## SALT MARSH AND TIDE LANDS.

Reference  
to Acts  
relating to  
salt marsh  
and tide  
lands.

## 1456.

An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March 30th, 1868, p. 716.

An Act supplementary to the foregoing Act of March 30th, 1868, p. 716, approved April 1st, 1870, p. 541.

An Act to accept the grant by the United States Government to the State of California, of the Yosemite Valley, and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commis-

sioners, and to fully empower them to carry out the objects of the grant and fulfill the purposes of the trust, approved April 2d, 1866, p. 710.

REFERENCES TO SPECIAL AND LOCAL ACTS.

1457.

The Controller of State authorized and empowered to appoint an additional clerk, to open and keep accounts between the State and purchasers of the tide lands under the above Act, by special Act approved April 1st, 1870, p. 562.

Reference  
to special  
and local  
Acts.

An Act to provide pay for services rendered in the State land department, Stats. 1868, p. 60.

The time in which the Southern Pacific Railroad Company and the Western Pacific Railroad Company were required to make the terminus of their roads and expend thereon the sum of one hundred thousand dollars each, upon certain salt marsh and tide lands in the City and County of San Francisco, by the terms of the Act approved March 30th, 1868, p. 716, was extended eighteen months by special Act approved April 2d, 1870, p. 669.

An Act to provide for the protection of certain lands in Sutter County, approved March 25th, 1868, p. 36, and an Act with a title similar, approved April 4th, 1870, p. 757.

Land granted to counties for road purposes to be under control of Supervisors, Stats. 1868, p. 69. Grant to Terminal Pacific Railroad, Stats. 1868, p. 473.

State Surveyor General shall not approve title till six months after segregation, Stats. 1870, p. 879.

For local Acts see references under the heads of the various counties.

The Political Code, Secs. 3395 to 3574, inclusive, "THE PUBLIC LANDS," contain the present land laws of the State, and supersede all prior enactments in relation thereto.

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CHAPTER CXXIII.

LASSEN COUNTY.

SECTION 1458. Reference to special and local Acts.

1458.

The Act creating Lassen County, defining its boundaries, and providing for its organization, will be found, Stats. 1863-4, p. 264.

Reference  
to special  
and local  
Acts.

An Act defining legal distances from County seat to State Capital, Lunatic Asylum, and State Prison, Stats. 1863-4, p. 476.

To levy taxes for county purposes, Stats. 1866, p. 53.

Boundaries defined, Stats. 1866, p. 453.

County Judge and County Court, Stats. 1866, p. 454.

Franchise to J. Morrill for wagon road from Susanville, Stats. 1866, p. 585.

Reference  
to special  
and local  
Acts.

Act concerning jurors, Stats. 1868, p. 89.  
 To provide for payment of debt, Stats. 1868, p. 140.  
 Canal companies, Act not to apply, Stats. 1868, p. 134.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 To levy taxes for county purposes, Stats. 1868, p. 482.  
 Treasurer to pay W. Williams for erecting county buildings, Stats. 1870, p. 387.  
 Concerning roads and highways, Stats. 1870, p. 475.  
 Terms of District Court, Stats. 1870, p. 576.  
 Roads and highways, Stats. 1870, p. 475.  
 Property tax for road purposes, Stats. 1870, p. 480.  
 For the protection of game, Stats. 1870, p. 853.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXXIV.

### LAWS, REVISION AND COMPILATION OF.

#### SECTION 1459. Reference to Acts.

Reference  
to Acts.

#### 1459.

An Act to provide for the revision and compilation of the laws of the State of California and the publication thereof, approved March 28th, 1868, p. 435.

An Act establishing a commission for the revision of the laws, approved April 4th, 1870, p. 774.

An Act was passed making an appropriation for H. P. Barber for services in revising, Stats. 1870, p. 425.

## CHAPTER CXXV.

## LEASES.

SECTION 1460. Reference to Act.

1460.

An Act to limit the terms of leases, passed April 21st, 1851, p. 162.  
Civil Code, Secs. 717 and 718, supersede the above Act.

Reference  
to Acts.

## CHAPTER CXXVI.

## LEGAL AND JUDICIAL ADVERTISING.

SECTION 1461. Reference to Act.

1461.

An Act to protect litigants, approved March 29th, 1870, p. 435.

Reference  
to Acts.

## CHAPTER CXXVII.

## LEGISLATURE.

SECTION 1462. Reference to Acts.

1462.

The general provisions of law in regard to the election, terms, duties, and liabilities of members of the Legislature, form parts of Acts which have been arranged under other heads. The most important of these, perhaps, are those concerning officers. The following are Acts more exclusively coming under this head:

Reference  
to Acts.

An Act to authorize certain officers and other persons to administer oaths, approved January 27th, 1853, p. 22.

Amendment, approved March 4th, 1857, p. 58.

An Act to enforce more effectually the attendance of witnesses on the summons of either houses of the Legislature of this State, and to compel them to discover testimony, approved March 25th, 1857, p. 97.

An Act to define the duties of the officers and employés of the Assembly, to establish their pay, and to repeal all existing laws in relation thereto, so far as the same relates to the Assembly, approved April 25th, 1860, p. 270, was virtually repealed by the following Act:

An Act fixing the number of officers and employés of the Senate and

Reference  
to Acts.

Assembly, to define their duties, and to establish their pay, approved May 20th, 1861, p. 592.

The former Acts on this subject were:

An Act to regulate the Senatorial and Assembly Districts, passed April 4th, 1850, p. 154.

An Act to apportion the Senatorial and Assembly Districts, passed May 1st, 1851, p. 409; amended May 1st, 1852, p. 229.

An Act to apportion the Senatorial and Assembly Districts of this State, approved May 18th, 1853, p. 214; amended April 16th, 1856, p. 96; March 6th, 1857, p. 62; April 6th, 1857, p. 180; April 18th, 1857, p. 208.

These Acts were superseded by the following Act:

An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved May 18th, 1861, p. 535.

Amendment approved April 27th, 1863, p. 704; repealed conflicting Acts.

An Act to provide for the allotment of Senators, pursuant to section sixth, article fourth, of the Constitution, approved January 15th, 1864, Stats. 1863-4, p. 15.

An Act to create the County of Kern, approved April 2d, 1866, p. 796.

An Act to create the County of Inyo, approved March 29th, 1866, p. 355.

For Senatorial Districts, see Political Code, Secs. 78 to 106, inclusive.

For apportionment of members of the Assembly, see Political Code, Sec. 730.

For duties of legislative officers generally, see Political Code, Secs. 225 to 330, inclusive, "LEGISLATIVE OFFICERS."

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## CHAPTER CXXVIII.

### LIBRARY OF STATE.

#### SECTION 1463. Reference to Acts.

Reference  
to Acts.

#### 1463.

An Act defining the duties of the State Librarian and prescribing rules for the government of the State Library, passed April 9th, 1850, p. 172, and amended March 20th, 1858, p. 79, was virtually repealed by the Act of March 8th, 1861, p. 45.

An Act providing a Fund for the use of a State Library, approved May 1st, 1852, p. 44.

An Act supplemental to the foregoing Act of May 1st, 1852, approved May 11th, 1853, p. 148.



An Act prescribing rules for the government of the State Library, approved March 8th, 1861, p. 45. Reference to Acts.

Amendment approved March 21st, 1864, Stats. 1863-4, p. 198 ; took effect from passage.

Amendment to amendatory Act of March 21st, 1864, p. 198, amending an Act prescribing rules for the government of the State Library, approved March 8th, 1861, p. 45, approved February 28th, 1866, p. 135.

An Act to provide for printing a catalogue of the State Library, approved March 10th, 1866, p. 215.

An Act to authorize the State Librarian to appoint a deputy, and to fix the compensation therefor, approved March 17th, 1866, p. 278.

An Act to empower the Board of Trustees of the State Library to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor, approved March 25th, 1870, p. 381.

An Act granting leave of absence to State Librarian, Stats. 1868, p. 222. Granting leave of absence to Trustee, Stats. 1866, p. 451. Librarian to make report to Governor, Stats. 1870, p. 333. For the various appropriations for the support of the State Library, see "STATE SPECIAL ACTS."

Political Code. Secs. 2292 to 2305, inclusive, "STATE LIBRARY," superseding prior enactments.

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## CHAPTER CXXIX.

### LIBRARY FOR SUPREME COURT.

SECTION 1464. Reference to Act.

1464.

An Act to provide a law library for the Supreme Court, approved March 30th, 1868, p. 659. Reference to Acts.

Political Code, Secs. 2313 to 2316, inclusive, superseding prior enactment.

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## CHAPTER CXXX.

### LICENSES.

SECTION 1465. Reference to Acts.

1465.

As the license laws now in force are chiefly contained in the revenue Acts, which have to a great extent repealed or superseded the statutes specially relating to licenses, it is proposed here merely to refer to the repealed Acts and to such others now in force, which have been ar- Reference to Acts.

Reference  
to Acts.

ranged under other titles. They are few, and therefore given in order of time of passage.

An Act concerning licenses, passed April 22d, 1850, p. 404, amended April 26th, 1851, p. 408, though not expressly repealed, was superseded by various Acts subsequently passed.

An Act regulating marriages, passed April 22d, 1850, p. 424, amended April 26th, 1862, p. 450, and April 9th, 1863, p. 244 (providing for marriage licenses, among other regulations.)

See "MARRIAGES."

An Act to license gaming, passed March 14th, 1851, p. 165, and subsequent Acts.

See "GAMING."

An Act to license hawkers and peddlers in this State, passed April 25th, 1851, p. 298, and subsequent Acts.

See "PEDDLERS."

An Act concerning licenses, approved May 4th, 1852, p. 90, was repealed by Act of May 18th, 1853, p. 233, and again by Act of May 15th, 1854, p. 103.

An Act to regulate and license places of public amusement, approved April 13th, 1863, p. 252.

See "AMUSEMENTS."

An Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April 1st, 1864; Stats. 1863-4, p. 298 (providing for addition of costs in criminal cases, where crime occasioned by liquor, to amount of licenses of liquor saloons, etc.)

See "REVENUE."

See Political Code, Part III, Title IX, "REVENUE;" see Secs. 8356 to 3387, inclusive, "LICENSES."

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## CHAPTER CXXXI.

### LIMITATIONS.

SECTION 1466. Reference to Acts.

Reference  
to Acts.

#### 1466.

An Act defining the time of commencing civil actions, passed April 22d, 1850, p. 343; amendment approved April 18th, 1863, p. 325.

An Act defining the time of commencing civil actions in certain cases, approved May 4th, 1852, p. 161.

An Act supplementary to the foregoing Act of May 4th, 1852, approved April 2d, 1855, p. 75.

An Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April 2d, 1857, p. 167.

See "COUNTIES."

An Act supplementary to the Act of April 22d, 1850, approved April 18th, 1859, p. 306.

An Act to amend the Act of April 22d, 1850, approved April 18th, 1863, p. 325. Reference to Acts.

An Act supplementary to the foregoing Act of April 18th, 1863, approved February 18th, 1864; Stats. 1863-4, p. 91.

An Act to limit the time for the commencement of civil actions in certain cases, approved March 5th, 1864; Stats. 1863-4, p. 149.

An Act supplementary to the foregoing Act of March 5th, 1864, approved April 4th, 1864; Stats. 1863-4, p. 435.

LIMITATIONS IN CRIMINAL CASES.

The provisions of law limiting the periods within which criminal actions may be commenced will be found in the Act to regulate proceedings in criminal cases.

See Code of Civil Procedure, Secs. 312 to 363, inclusive, "OF THE TIME OF COMMENCING CIVIL ACTIONS."

See Penal Code, Secs. 799 to 803, inclusive, "OF THE TIME OF COMMENCING CRIMINAL ACTIONS."

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CHAPTER CXXXII.

LIQUORS.

SECTION 1467. Reference to Acts.

1467.

An Act to take the sense of the people of this State at the general election in A. D. eighteen hundred and fifty-five, on the passage of a prohibitory liquor law, approved May 4th, 1855, p. 240. Reference to Acts.

An Act to prohibit the collection of accounts for liquors sold at retail, approved April 21st, 1858, p. 193.

An Act to prohibit the sale and disposal of adulterated spirituous or alcoholic liquors, wines, or cider, approved April 14th, 1860, p. 186.

See "ADULTERATION."

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CHAPTER CXXXIII.

LOS ANGELES COUNTY.

SECTION 1468. Reference to special and local Acts.

1468.

Boundaries, Stats. 1850, p. 59; 1851, p. 172; 1853, p. 119; 1856, p. 53. Reference to Acts.  
Seat of justice, Stats. 1850, p. 59; 1851, p. 172.

Reference  
to Acts.

- For relief of County Treasurer, Stats. 1851, p. 316.
- To fund debt and provide for payment, Stats. 1853, pp. 47, 152.
- Authorizing Board of Supervisors to levy special tax for erection of public buildings, Stats. 1853, p. 115.
- For dividing county and making new county, to be called San Bernardino County, Stats. 1853, p. 119.
- For relief of M. Garfias, former Treasurer, Stats. 1853, p. 180.
- Authorizing Treasurer to retain money belonging to General Fund of State for benefit of Los Angeles Rangers, Stats. 1854, p. 240.
- Concerning county records, Stats. 1855, p. 60.
- Concerning office of District Attorney, Stats. 1856, p. 22; 1861, p. 114; 1862, p. 272.
- Extending time of collecting taxes, Stats. 1856, p. 69.
- Providing for arrest and suppression of bands of armed banditti, Stats. 1857, p. 10.
- Authorizing Board of Supervisors to levy additional tax to pay for Court House, and other purposes, Stats. 1857, p. 125.
- Concerning official bonds of Justices of the Peace, Stats. 1857, p. 154.
- Concerning Board of Supervisors, Stats. 1857, p. 166.
- Legalizing acknowledgments by Recorders and their deputies, Stats. 1857, p. 325.
- Changing time of holding Court of Sessions and County Court, Stats. 1858, p. 122; 1859, p. 21.
- Authorizing Board of Supervisors to contract loan for erecting and completing Court House, Stats. 1858, p. 196; 1859, p. 241.
- Authorizing administratrix of P. N. Madigan, deceased, to sell real estate at private sale, Stats. 1858, p. 187.
- Appropriating money to Roman Catholic Orphan Asylum, Stats. 1859, p. 305; 1860, p. 256; 1861, p. 89; 1862, p. 313.
- Legalizing duplicate assessment list, Stats. 1860, p. 180.
- Regulating fees of County Clerk, Stats. 1860, p. 290; 1861, p. 114.
- Authorizing J. J. Tomlinson and associates to build wharf at port of San Pedro, Stats. 1860, p. 358.
- Concerning infant heirs and devisees of Bernardo Yorba, deceased, Stats. 1861, p. 61.
- Concerning certain officers, Stats. 1861, p. 64.
- To fund indebtedness existing in the form of County Auditor's warrants, or that may be outstanding on July 1st, 1861, etc., Stats. 1861, p. 100; 1863, p. 37.
- Regulating fees of office, Stats. 1861, p. 103; 1862, pp. 272, 277.
- Legalizing assessment roll and extending time for collection of taxes, Stats. 1861, p. 122.
- Authorizing C. H. Brinley and others to build and construct turnpike from ex-mission of San Fernando, across San Fernando Mountain to Arroyo de Santa Clara, Stats. 1861, p. 303; 1862, p. 282.
- Authorizing Board of Supervisors to make appropriation to assist in constructing and finishing Santa Barbara and Los Angeles road, Stats. 1861, p. 347.
- Authorizing Board of Supervisors to take and subscribe one hundred

thousand dollars for construction of railroad in county, etc., Stats. 1861, p. 465. Reference  
to Acts.

Concerning infant heirs of Anne E. Stockton, deceased, Stats. 1861, p. 572.

Granting right to construct turnpike from Great Bend of Mojave River, through Williamson's Pass to Pacific Coast at Buenaventura, Stats. 1862, p. 33.

Authorizing Rita de la Osa to sell certain real estate, Stats. 1862, p. 497.

Authorizing Board of Supervisors to make special appropriation for Santa Anna Eagle and Marble Mines Road, Stats. 1863, p. 142.

Changing name of New San Pedro to Wilmington, Stats. 1863, p. 328.

Providing for construction of railroad from Wilmington to Los Angeles, Stats. 1863, p. 494.

Authorizing administrator of Maria Y. A. de Alvarado, deceased, to sell and convey real estate, Stats. 1863-4, p. 121.

Authorizing transfer of certain funds from Current Expense Fund to Jail Fund, Stats. 1863-4, p. 214.

To enable county to reduce expenses and pay off floating debt, Stats. 1863-4, p. 255.

Authorizing P. Banning and associates to construct watercourse from San Gabriel River to Camp Drum and Town of Wilmington, Stats. 1863-4, p. 289.

To fund indebtedness, Stats. 1863-4, p. 509.

Salary of County Judge, Stats. 1866, p. 12.

Pay of Justice and Constable, and to pay off floating debt, Stats. 1866, p. 29.

Concerning officers, Stats. 1866, p. 47.

To restrict herding of sheep, Stats. 1866, p. 56; 1870, p. 304.

Trespassing animals, Act made applicable, Stats. 1866, p. 126; 1870, p. 410.

Treasurer made salaried officer, Stats. 1866, p. 175.

Terms of District Court, Stats. 1866, pp. 232, 609; 1868, p. 198; 1870, p. 86.

Franchise for wagon road to Warston and others, Stats. 1866, p. 690.

To aid in construction of Southern Pacific Railroad, Stats. 1866, p. 816.

Franchise for turnpike road to Poer and others, Stats. 1866, p. 825.

To subscribe to Los Angeles and San Pedro Railroad, Stats. 1868, pp. 14, 294, 299; see Stats. 1870, p. 538.

To fund indebtedness, amendatory Act, Stats. 1868, p. 29.

Road franchise to Niley's Ranch, Stats. 1868, p. 45.

For the relief of J. P. McFarland, Stats. 1868, p. 129.

For payment of debt of Kern County, Stats. 1868, p. 210.

Wharf franchise to F. W. Kuclp and others, Stats. 1868, p. 277.

Fees and salaries, Stats. 1868, p. 448; 1870, pp. 148, 380.

To redistrict county, Stats. 1868, p. 456; repealed, Stats. 1870, p. 879.

Reference  
to Acts.

Supervisors to purchase building for Court House, Stats. 1870, p. 669.  
For the protection of game, Stats. 1870, p. 853.

## CITY OF ANAHEIM.

Act of incorporation, Stats. 1870, p. 66.

## CITY OF LOS ANGELES.

Incorporating City of Los Angeles, Stats. 1850, p. 155; 1851, p. 329; 1852, p. 186; 1854, p. 63; 1862, p. 9; 1863-4, p. 80.

Concerning corporate name of city, Stats. 1856, p. 31.

Authorizing Mayor and Common Council to contract loan for irrigating and other purposes, Stats. 1859, p. 199.

Authorizing Common Council to extend city limits, Stats. 1859, p. 253.

For relief of H. McLoughlin (surety on bond of W. C. Getman, deceased, as Marshal), Stats. 1859, p. 335.

Authorizing Mayor and Common Council to take and subscribe fifty thousand dollars to stock of railroad company (to form railroad connection between City and Bay of San Pedro), Stats. 1861, p. 457.

Authorizing Mayor and Common Council to borrow money for municipal improvements, Stats. 1862, pp. 10, 262.

Authorizing corporation of city to fund debt of city, Stats. 1862, p. 11.

Legalizing assessment rolls for fiscal years 1860-1 and 1861-2, etc., Stats. 1862, p. 171.

Concerning city, giving Mayor and Common Council authority to establish public City Pound, and prohibiting grazing of certain domestic animals within certain prescribed limits, Stats. 1863, p. 501.

Incorporation Act amended, Stats. 1866, p. 15; 1868, p. 89.

To ratify and confirm certain ordinances, Stats. 1868, p. 71; 1870, p. 635.

To limit the direct tax, Stats. 1868, p. 89.

To legalize assessment rolls, Stats. 1868, p. 92; 1870, p. 635.

To levy tax for repair of river bank, Stats. 1868, p. 167.

Changing municipal election, Stats. 1868, p. 609.

Act concerning watercourses, Stats. 1870, p. 645.

To fund the city debt, Stats. 1870, p. 671.

To create Board of Water Commissioners, Stats. 1870, p. 702.

To subscribe to Los Angeles and San Pedro Railroad, Stats. 1868, p. 20. See Stats. 1870, p. 538.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be

found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CXXXIV.

### LOST MONEY AND PROPERTY.

SECTION 1469. Reference to Acts.

#### 1469.

An Act concerning water craft found adrift, and lost money and property, passed April 5th, 1850, p. 156. Reference to Acts.

See Political Code, Secs. 3136 to 3157, inclusive, "LOST AND UNCLAIMED PROPERTY," and Secs. 2403 to 2418, inclusive, "WRECKS AND WRECKED PROPERTY;" Civil Code, Secs. 1864 to 1872, inclusive, "FINDING," and Penal Code, Sec. 485, "LARCENY OF LOST PROPERTY," superseding prior enactments.

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## CHAPTER CXXXV.

### LOTTERIES, RAFFLES, GIFT ENTERPRISES, ETC.

SECTION 1470. Reference to Acts.

#### 1470.

An Act to prohibit lotteries, passed March 11th, 1851, p. 211, explained May 15th, 1854, p. 177, was repealed by the following Act: Reference to Acts.

An Act to prohibit lotteries, raffles, gifts, [gift] enterprises, and other schemes of a like character, approved April 10th, 1855, p. 99.

An Act to prohibit lotteries, raffles, gift enterprises, and other schemes of like character, approved April 24th, 1861, p. 229.

Leave was granted by special Act to the Mercantile Library Association of San Francisco, to give not more than three public entertainments where property might lawfully be disposed of by chance, raffle, or otherwise, anything in the laws of the State embodied in an Act to prohibit lotteries, etc., approved April 10th, 1855, p. 99, and an Act ap-

proved April 24th, 1861, p. 229, to the contrary notwithstanding, by especial Act approved February 19th, 1870, p. 90.

See Penal Code, Secs. 319 to 326, inclusive, "LOTTERIES;" also, Penal Code, Sec. 1109 (Evidence on trial for selling lottery tickets.)

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## CHAPTER CXXXVI.

### LUMBER.

#### SECTION 1471. Reference to Acts.

Reference  
to Acts.

#### 1471.

An Act to provide for the measurement of lumber, approved April 30th, 1853, p. 131.

The Act provided for the appointment of a measurer of lumber designed for use in or exportation from San Francisco. It fell into disuse, and is now repealed by the Political Code, Secs. 6 and 7.

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## CHAPTER CXXXVII.

### MAJORITY.

#### SECTION 1472. Reference to Acts.

Reference  
to Acts.

#### 1472.

An Act fixing the age of majority of males and females in this State, passed May 10th, 1854, p. 155.

See Civil Code, Secs. 25, 26, 27, and 28.

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## CHAPTER CXXXVIII.

### MAP OF STATE.

#### SECTION 1473. Reference to Acts.

Reference  
to Acts.

#### 1473.

An Act to provide for a map of the State of California, approved May 3d, 1852, p. 127.

An Act to provide for the publication and distribution of the official map of the State, as compiled by the Surveyor General, approved March 25th, 1853, p. 55.



## CHAPTER CXXXIX.

## MARIN COUNTY.

SECTION 1474. Reference to special and local Acts.

## 1474.

Boundaries, Stats. 1850, p. 60; 1851, p. 177; 1854, p. 224; 1860, p. 269; 1861, p. 351.

Seat of justice, Stats. 1850, p. 406; 1851, p. 178; 1863, p. 52.

Attaching county for judicial purposes to Sonoma County, prior to organization, Stats. 1850, p. 60.

Concerning this and other unorganized counties, Stats. 1850, p. 406.

For relief of W. Reynolds, Treasurer, Stats. 1851, p. 312.

Abolishing Board of Supervisors, Stats. 1854, p. 44.

Concerning collection of taxes now due, Stats. 1855, p. 34.

Authorizing Board of Supervisors to levy special tax for erection of public buildings, Stats. 1855, p. 103.

Prohibiting sale of ardent spirits within two miles of State Prison, Stats. 1855, p. 108.

Providing for settling boundary line between this and Sonoma County, Stats. 1856, p. 34.

Extending time of collecting taxes, Stats. 1857, p. 30.

Authorizing Board of Supervisors to pay current expenses, Stats. 1857, p. 236.

To confirm and legalize tax list or assessment roll for the fiscal year ending June 30th, 1858, and to provide for collection of delinquent taxes, Stats. 1858, p. 13.

Granting privilege to C. Talcott to erect wharf at Point San Quentin and collect wharfage, Stats. 1858, p. 114.

Changing time of holding County Court, Stats. 1859, p. 27.

Authorizing Board of Supervisors to levy special tax, Stats. 1859, p. 42.

Confirming and legalizing tax lists or assessment rolls for 1857 and 1858, and authorizing collection of unpaid taxes, Stats. 1859, p. 53.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Fixing terms of County Court, Probate Court, and Court of Sessions, Stats. 1859, p. 225.

To provide for condemning or purchasing certain lands adjoining State Prison ground at San Quentin, for State Prison purposes, Stats. 1859, p. 242; 1863, p. 224.

To condemn and appropriate to use of State interest of certain parties in State Prison grounds, buildings, etc., and to appropriate money for payment, Stats. 1859, p. 374.

Extending time for collection of State and county taxes, Stats. 1860, p. 21.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

Authorizing M. Buckelew and assigns to build wharf at Agnes Island, Stats. 1860, p. 58.

Declaring Arroyo de San Antonio, or Keyes' Creek, navigable, Stats. 1860, p. 126.

Declaring Novato Creek, or Estuary, navigable, Stats. 1860, p. 257.

Concerning wild animals, Stats. 1861, p. 66.

Appropriating money to Male Orphan Asylum, Stats. 1861, p. 89; 1862, p. 313.

For relief of Marin County, Stats. 1861, p. 121.

Concerning roads and highways, Stats. 1861, p. 378.

Declaring certain creeks navigable, Stats. 1861, p. 469.

To procure conveyance, by J. Center, to State, of certain real and personal property, at State Prison, Stats. 1861, p. 506.

Authorizing W. Kohle and associates to establish and maintain steam ferry, Stats. 1863, p. 500.

Authorizing Attorney General to prosecute certain suits, concerning certain lands near State Prison, Stats. 1863, p. 573.

Fixing time of holding County Court and Probate Court, Stats. 1863-4, p. 94.

Authorizing P. K. Austin and associates to construct and maintain turnpike from San Rafael to Point San Quentin, Stats. 1863-4, p. 119.

Enabling State to acquire title to certain grounds adjoining State Prison grounds, at Point San Quentin, Stats. 1863-4, p. 310.

Time of holding District Court in, Stats. 1866, p. 13.

Time of holding County and Probate Court, Stats. 1866, p. 56.

Road franchise to Beck school house, Stats. 1866, p. 152.

To provide fund for erection of public buildings, Stats. 1866, p. 476.

Hogs, penalty of Constables in relation thereto, Stats. 1866, p. 328.

Franchise for county road, Stats. 1866, p. 524.

Trespass of animals on private property, Stats. 1866, p. 440.

Prevent destruction of fish, Stats. 1866, p. 637.

Laying out, altering, and vacating public roads, Stats. 1866, p. 711.

Relocating county seat, Stats. 1866, p. 867.

Office of Public Administrator, Stats. 1868, p. 27.

Mileage to grand and trial jurors, Stats. 1868, p. 41.

Roads and highways, Stats. 1866, pp. 381, 711; 1868, p. 84.

Boundaries, Stats. 1868, p. 347.

Delinquent school taxes and assessments, Stats. 1868, p. 371.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

For preservation of trout, Stats. 1868, p. 460.

Act concerning tax for roads and bridges, Stats. 1868, p. 610.

Roadmasters and duties of, Stats. 1868, p. 619.

Franchise to P. R. Austin for turnpike road, Stats. 1868, p. 646.

To issue and sell bonds to construct wagon roads, Stats. 1870, p. 114.

Act in relation to herding sheep, Stats. 1870, p. 314.

Administratrix of estate of H. Wilkins to sell real property, Stats. 1870, p. 406.

To protect agriculture and prevent trespass of animals, Stats. 1870, p. 410.

Supervisors to transfer certain funds, Stats. 1870, p. 424.

To provide for official survey of swamp and overflowed lands, Stats. 1870, p. 428.

Providing for construction of public road, Stats. 1870, p. 501.

Act declaring creeks navigable, amended, Stats. 1870, p. 663.

Ferry franchise between Marin County and San Francisco, Stats. 1870, p. 728.

Notaries Public, Stats. 1870, p. 802.

Reference  
to special  
and local  
Acts.

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The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXL.

### MARIPOSA COUNTY.

SECTION 1475. Reference to special and local Acts.

#### 1475.

Boundaries, Stats. 1850, p. 63; 1851, p. 175; 1852, p. 240; 1855, p. 125; 1856, p. 183; 1861, p. 235.

Seat of justice, Stats. 1850, p. 63; 1851, p. 176.

Extending time of acting Treasurer to make returns, Stats. 1852, p. 187.

Creating Tulare County, Stats. 1852, p. 240.

To ascertain indebtedness, Stats. 1853, p. 61.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

To fund debt and provide for payment, Stats. 1854, p. 248; 1855, p. 42; 1860, p. 260.

Creating Merced County, Stats. 1855, p. 125.

Authorizing Board of Supervisors to levy special tax for Building Fund, Stats. 1856, p. 21.

Granting Sheriff additional time to make annual settlement for collection of taxes for 1855, Stats. 1856, p. 101.

Creating Fresno County, Stats. 1856, p. 183.

Fixing compensation of County Judge, Stats. 1857, p. 256; 1860, p. 342; 1861, p. 350.

For relief of W. A. King, County Treasurer, Stats. 1859, p. 332.

For relief of J. D. Crippen, Sheriff, Stats. 1860, p. 49.

Authorizing collection of taxes, Stats. 1860, pp. 158, 224.

Incorporating Town of Hornitos, Stats. 1861, p. 118.

Creating Mono County, Stats. 1861, p. 235.

Authorizing District Attorney to appoint deputies; Stats. 1862, p. 5; 1863, p. 95.

Concerning roads and highways, Stats. 1862, p. 193; 1863, p. 350; 1863-4, p. 151.

To fund indebtedness existing in form of County Auditors' warrants drawn on Indigent Sick Fund, outstanding on September 1st, 1862, etc.; Stats. 1862, p. 298.

Providing for construction of wagon and turnpike road by R. T. Brown and others, Stats. 1863, p. 12; 1863-4, p. 117.

Imposing further duties upon Board of Supervisors, Stats. 1863-4, p. 28.

Terms of District Court in, Stats. 1866, p. 13; 1870, p. 792.

Roads and highways in, Stats. 1866, p. 18.

Additional tax for county expenditures, Stats. 1866, p. 36.

Indigent sick in, Stats. 1866, p. 49.

Protection of stock raisers, Stats. 1866, p. 322.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70.

Appropriation for survey of Big Tree Grove, Stats. 1866, pp. 383, 711.

Repealing Act imposing duties on Supervisors, Stats. 1868, p. 2.

To levy additional taxes for county purposes, Stats. 1868, p. 55.

Roads and highways in, Stats. 1868, p. 154; 1870, p. 324.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To be in Thirteenth Judicial District, Stats. 1868, p. 658.

To levy tax for county purposes, Stats. 1870, p. 8.

To prevent stallions, Stats. 1868, p. 70; 1870, p. 68.

Concerning roads and highways, Stats. 1870, p. 324.

Boundary line, Stats. 1870, p. 449.

Act in relation to herding sheep, Stats. 1870, p. 304.

Boundaries, Stats. 1870, p. 449.

Terms of District Court changed, Stats. 1870, p. 792.

TOWN OF HORNITOS.

Incorporation Act repealed, Stats. 1868, p. 159.

Act of incorporation, Stats. 1870, p. 471.

Reference  
to special  
and local  
Acts.

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CHAPTER CXLI.

MARKS AND BRANDS.

SECTION 1476. Reference to Acts.

1476.

An Act concerning marks and brands, passed April 12th, 1850, p. 214, was repealed by the Act of May 1st, 1851. Reference  
to Acts.

An Act supplementary to the Act of April 12th, 1850, passed April 29th, 1851, p. 413, provided that no person should mark stock with a square crop off each ear exceeding one fourth of the entire ear, or cut the ear to a point from each side, under penalty provided by the Act of April 12th, 1850, which was repealed the next day but one, without express notice of this Act.

An Act concerning marks and brands, passed May 1st, 1851, p. 411.

Amendment approved March 30th, 1857, p. 131.

Amendment approved May 14th, 1861, p. 373; took effect from passage.

Act of April 25th, 1862, p. 424.

An Act supplementary to the foregoing Act of May 14th, 1861, approved March 5th, 1862, p. 28.

Reference  
to Acts.

An Act concerning marks and brands in the County of Siskiyou, approved March 20th, 1866, p. 332.

This last named Act is retained in force by Sec. 19 of the Political Code.

Slaughtered animals to be recorded and exhibited in certain counties, Stats. 1866, p. 322.

Political Code, Secs. 3167 to 3185, inclusive, "MARKS AND BRANDS," supersedes all prior enactments. Many of the provisions of the old laws, however, relate to the duties of Judges of the Plains, and in so far as they do so are probably continued in force by Political Code, Sec. 19, Subd. 5, which continues in force "all Acts in relation to Judges of the Plains."

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## CHAPTER CXLII.

### MARRIAGES.

SECTION 1477. Reference to Acts.

Reference  
to Acts.

1477.

An Act regulating marriages, passed April 22d, 1850, p. 424.

Amendment approved April 9th, 1863, p. 244; took effect from passage; repealed all conflicting Acts and parts of Acts.

Amendment approved April 26th, 1862, p. 450; repealed all conflicting laws.

See Civil Code, Secs. 55 to 78, inclusive, superseding above Acts.

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## CHAPTER CXLIII.

### MARRIED WOMEN.

SECTION 1478. Reference to Acts.

Reference  
to Acts.

1478.

An Act to protect the rights of married women in certain cases, approved May 9th, 1870, p. 226.

May deposit with savings banks, Stats. 1870, p. 132.

See Civil Code, Secs. 55 to 181, inclusive.

Married women may become corporators in corporations, hold shares of stock, receive dividends, etc.; Civil Code, Secs. 285, 325, 561, 575, and 648. Married women may execute powers of attorney, etc., without concurrence of husband; Civil Code, Secs. 897 and 898. See, also, Secs. 914, 917, and 924 (powers to married women). Acknowledgments

by; effect of conveyance by; married women and their right to dispose of separate property by will; see, respectively, Civil Code, Secs. 1093, 1094, 1186, 1187, 1191, and 1273.

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## CHAPTER CXLIV.

### MECHANICS' LIENS.

SECTION 1479. Reference to Acts.

#### 1479.

An Act to provide for the lien of mechanics and others, passed April 12th, 1850, p. 211, and— Reference to Acts.

An Act supplementary to the Act of April 12th, 1850, approved May 17th, 1853, p. 202, were repealed by—

An Act for securing liens of mechanics and others, approved April 27th, 1855, p. 156, which Act was repealed by—

An Act for securing liens to mechanics and others, approved April 19th, 1856, p. 203. This Act was explained and amended by—

An Act in addition to and explanatory of the Act of April 19th, 1856, approved March 4th, 1857, p. 58; repealed April 4th, 1857, p. 178.

An Act supplementary to the Act of April 19th, 1856, approved March 18th, 1857, p. 84.

An Act to amend the Act of April 19th, 1856, approved April 22d, 1858, p. 225.

An Act to amend the Act of April 19th, 1856, approved May 17th, 1861, p. 495.

All the above Acts then in force were repealed by the following Act:

An Act in relation to liens of mechanics and others, approved April 26th, 1862, p. 384.

Amendment approved April 1st, 1864, Stats. 1863-4, p. 269.

An Act amendatory of and supplementary to the foregoing Act of April 26th, 1862, approved April 4th, 1864, Stats. 1863-4, p. 465.

An Act for securing liens of mechanics and others, approved March 30th, 1868, p. 589.

Sec. 17 expressly repeals by title all prior Acts.

An Act to secure the lien on live stock kept, fed, or pastured by ranchmen and stablekeepers, was approved April 4th, 1870, p. 723.

See "PASTURAGE OF STOCK."

See Civil Code, Secs. 352 and 3059; Code of Civil Procedure, Secs. 1180 to 1206, inclusive, "MECHANICS' LIENS."

## CHAPTER CXLV.

## MENDOCINO COUNTY.

## SECTION 1480. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 1480.

Boundaries, Stats. 1850, p. 61; 1851, p. 178; 1859, p. 98; 1860, p. 334.

Seat of justice, Stats. 1859, pp. 101, 177.

Legalizing and confirming general and supplemental assessment rolls, etc., and extending time for collection of revenue, Stats. 1859, p. 6.

Providing for organization, Stats. 1859, pp. 98, 177, 252; 1860, p. 334; 1861, p. 213.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Fixing terms of County Court, Probate Court, and Court of Sessions, Stats. 1859, p. 225.

Authorizing Board of Supervisors to levy additional tax for county purposes, Stats. 1859, p. 333; 1861, p. 250.

Concerning Commissioners of Election appointed under Act for organization, Stats. 1859, p. 252.

Authorizing county to retain State's portion of poll tax, etc., to be applied to construction and improvement of wagon road from Cloverdale to Yreka, Stats. 1859, p. 323; 1861, p. 173.

Providing for improving Nevarra River, Stats. 1859, p. 325.

Authorizing Tax Collector to collect certain delinquent taxes, and extending time for collecting same, Stats. 1860, p. 18.

Extending time for collection of taxes, Stats. 1860, pp. 21, 81.

Fixing terms of County Court, Court of Sessions, and Probate Court, Stats. 1860, p. 258.

To provide for disposal of lots in the towns and villages on public lands, Stats. 1860, p. 287.

Authorizing and empowering A. W. Macpherson and others to construct and maintain booms on certain rivers (Albion, Big, and Noyo), Stats. 1861, p. 19.

Authorizing J. J. Cloud to construct and maintain wharf at Punta Arena, Stats. 1861, p. 78.

Restoring Eliza Martin, late Eliza Hall, to her former authority as executrix of Edward H. Hall, deceased, and authorizing her to sell real and personal property, Stats. 1861, p. 275.

Making warrants drawn on General Fund receivable for county taxes, Stats. 1861, p. 296.

Concerning Board of Supervisors, Stats. 1861, p. 352.

Authorizing M. T. Smith to construct and maintain wharf at Fishing Rock, Stats. 1861, p. 352.

Granting right to construct bridge across Big River to S. W. Hill and others, Stats. 1861, p. 387.

Concerning roads and highways, Stats. 1861, p. 482; 1863, p. 725.



Granting right to construct bridge across Noyo River, near its mouth, to J. Burns and others, Stats. 1861, p. 487. Reference  
to special  
and local  
Acts.

Granting right to construct bridge across Albion River, near its mouth, to J. Townsend, Stats. 1861, p. 489.

Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.

Authorizing J. B. Price and associates to construct and maintain turnpike from Cloverdale to Sanel, and to charge and collect toll for travel, Stats. 1862, p. 101; 1863, p. 502.

Authorizing and empowering J. Hendy and others to construct and maintain booms on Navarro River, Stats. 1862, p. 109.

Authorizing J. Hendy and others to construct wharf at mouth of Navarro River, Stats. 1862, p. 128.

Authorizing and empowering W. H. Kelly to construct and maintain booms on Gaspar Creek, Stats. 1862, p. 212.

Authorizing and empowering F. Brown or assigns to construct and maintain booms and piers on Garcia Creek, Stats. 1862, p. 231.

To provide for funding indebtedness, Stats. 1862, p. 301; 1863, p. 569; 1863-4, p. 165.

Authorizing J. S. Rutherford and G. E. Webber to construct railroad and railroad wharf, Stats. 1862, p. 571.

Granting J. P. Smith and others right to construct wagon road from Cloverdale to McDonald's House, and collect tolls, Stats. 1863, p. 233.

Authorizing and empowering J. S. Rutherford and G. E. Webber to construct and maintain booms on Guallala River, Stats. 1863, p. 243.

Authorizing P. S. Palmstream to establish, keep up, and maintain public ferry across Big River, near Big River Mills, Stats. 1863, p. 263.

Granting right to construct bridge across Albion River, near its mouth, Stats. 1863, p. 711.

Authorizing S. B. Campbell to construct and maintain wharf at Punta Arena, Stats. 1863, p. 752.

Providing for election of Sheriff, Stats. 1863-4, p. 13.

Granting to R. Stickney right to construct and maintain bridge across Big River, Stats. 1863-4, p. 33.

Authorizing County Treasurer to collect and receive certain public moneys as revenue, Stats. 1863, p. 110.

Concerning townships and legalizing election of certain officers (Justices of the Peace and Constables), Stats. 1863-4, p. 150.

Fixing salary of Superintendent of Public Schools, Stats. 1863-4, p. 158.

Fixing time of holding County Court and Probate Court, Stats. 1863-4, p. 476.

Relating to Board of Supervisors, Stats. 1863-4, p. 496.

Time of holding District Court in, Stats. 1866, p. 13.

Fees of office, Stats. 1866, p. 17.

Rights of way for wagon road, Stats. 1866, p. 112.

Wharf franchise to M. T. Smith and others, Stats. 1866, p. 132.

Bridge franchise to A. W. Macpherson and others, Stats. 1866, p. 133.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.

Reference  
to special  
and local  
Acts.

Road franchise from Cloverdale to Stanley's Ranch, Stats. 1866, p. 158.

Bridge franchise at Noyo River, Stats. 1866, p. 354.

Roads and highways, Act amended, Stats. 1866, p. 381; 1868, p. 495; 1870, p. 88.

Franchise to E. J. Stephens to construct "chute," Stats. 1866, p. 455.

Franchise to W. Codington and others to construct turnpike road, Stats. 1866, p. 480.

Wharf franchise to H. B. Tichenor and others, Stats. 1866, p. 489; repealed by Act granting franchise to same parties, Stats. 1868, p. 135.

Auditor and Treasurer to purchase books, Stats. 1866, p. 634.

To pay J. W. Morris, Stats. 1866, p. 782.

Treasurers to collect revenue, Stats. 1866, p. 827; Act repealed, Stats. 1868, p. 434.

For collection of revenue, Stats. 1866, p. 860.

Act concerning warrants, Stats. 1868, p. 122.

Railroad wharf and bridge franchise, Stats. 1868, p. 135.

Public and private roads, Stats. 1868, p. 158; 1870, p. 231.

Funding indebtedness of, Stats. 1868, p. 280.

Toll road franchise to G. Shwind, Stats. 1868, p. 350.

Wharf franchise to J. B. Ford and others, Stats. 1868, p. 402.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Notaries Public for, Stats. 1868, p. 461.

Franchise to E. Beebe for chute and moorings, Stats. 1868, p. 477.

Franchise to J. Kenny for chute and landing, Stats. 1868, p. 486.

To define legal distances, Stats. 1868, p. 563.

Wharf franchise to M. Bourn, Stats. 1870, p. 94.

Franchise to L. Gerlock and others for chute and landing, Stats. 1870, p. 94.

Franchise to W. S. Ferguson for chute and landing, Stats. 1870, p. 101.

Act in relation to herding sheep, Stats. 1870, p. 304.

To aid construction of wagon road from Round Valley, Stats. 1870, p. 503.

To aid in construction of telegraph line, Stats. 1870, p. 508.

To levy additional tax for wagon road from Ukiah City, Stats. 1870, p. 864.

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extent as therein provided, supersedes all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital, may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CXLVI.

### MERCED COUNTY.

SECTION 1481. Reference to special and local Acts.

#### 1481.

Boundaries, Stats. 1855, p. 125; 1856, p. 183.

Seat of justice, Stats. 1855, p. 126.

Creating Merced County, defining boundaries, and providing for organization, Stats. 1855, p. 125; 1860, p. 13.

Authorizing Board of Supervisors to audit account of J. W. Fitzhugh, for services as County Judge, Stats. 1856, p. 107.

Changing time of holding Probate Court, Stats. 1856, p. 116.

Creating Fresno County, Stats. 1856, p. 183.

Fixing amount of official bonds of county officers, Stats. 1858, p. 119.

Concerning salary of County Judge, Stats. 1860, p. 13 (refers to Stats. 1853, p. 179).

Creating Board of Water Commissioners, and defining their duties, Stats. 1860, p. 182.

Authorizing Board of Supervisors to levy additional tax for county purposes, Stats. 1863, p. 17.

Providing for election of Board of Supervisors, Stats. 1863-4, p. 6.

To levy additional tax for county purposes, Stats. 1866, p. 115.

Powers conferred on Supervisors, Stats. 1866, p. 172.

County Assessor made salaried officer, Stats. 1866, p. 200.

Protection of public and private roads, Stats. 1866, p. 235.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.

To prevent trespassing of animals, Act made applicable, Stats. 1870, p. 410.

Official publications, Stats. 1866, p. 453.

To improve navigation of San Joaquin River, Stats. 1866, p. 536.

District Attorney to reside at county seat, Stats. 1866, p. 630.

Act concerning rodeos amended, Stats. 1866, p. 673.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

Authorized to aid construction of Southern Pacific Railroad, Stats. 1866, p. 816.

Boundaries, Stats. 1868, p. 56.

To regulate election of Supervisors, Stats. 1868, p. 72.

Franchise to improve river, Stats. 1868, p. 262.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To be in the Thirteenth Judicial District, Stats. 1868, p. 658.

Special tax for school house, Stats. 1870, p. 87.

Act in relation to herding sheep, Stats. 1870, p. 304.

Notaries Public, number increased, Stats. 1870, p. 402.

Bounty tax for destruction of squirrels, etc., Stats. 1870, p. 316.

To levy tax for road purposes, Stats. 1870, p. 417.

Terms of District Court, Stats. 1870, p. 792.

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## CHAPTER CXLVII.

### MILITARY COMPANIES.

#### SECTION 1482. Reference to Acts.

Reference  
to Acts.

#### 1482.

An Act concerning volunteer or independent companies, passed April 4th, 1850, p. 145, was repealed by Act of April 25th, 1856, p. 136.

An Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation, passed March 17th, 1851, p. 402, was repealed, once by Act of May 1st, 1852, p. 96;

again by Act of May 3d, 1852, p. 59; and again by Act of April 25th, 1855, p. 136. Reference to Acts.

An Act to authorize the raising of a company of rangers, approved May 17th, 1853, p. 194.

An Act entitled an Act to call out a company of volunteers for the suppression of Indian hostilities in Klamath County, and to make an appropriation for the same, approved March 12th, 1856, p. 42.

An Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco, approved April 26th, 1862, p. 449.

An Act to assist in filling up the regiments of California Volunteers, and to aid certain officers for that purpose, approved April 10th, 1863, p. 246.

An Act to appropriate funds for the defense of the State, approved April 25th, 1863, p. 477. The provisions of this Act were extended by Act of April 4th, 1864, Stats. 1863-4, p. 449.

An Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April 27th, 1863, p. 662.

Amendment approved March 15th, 1864, Stats. 1863-4, took effect from passage.

An Act amendatory of and supplemental to the foregoing Act of April 27th, 1863, approved March 15th, 1864, Stats. 1863-4, p. 172.

An Act to appropriate money to pay for remounting a battery of guns, approved April 4th, 1864, Stats. 1863-4, p. 410.

An Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April 4th, 1864, Stats. 1863-4, p. 424.

An Act granting bounties to the volunteers of this State enlisted in the service of the United States; for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April 4th, 1864, Stats. 1863-4, p. 486.

Amendments to Acts granting bounties to volunteers enlisted in the service of the United States, approved April 4th, 1864, p. 486.

Amendment approved January 11th, 1866, p. 10.

Amendment approved March 16th, 1870, p. 318, took effect from passage.

## CHAPTER CXLVIII.

### MILITIA.

#### SECTION 1483. Reference to Acts.

#### 1483.

An Act concerning the organization of the militia, passed April 10th, 1850, p. 190, was repealed by Act of April 25th, 1855, p. 136. Reference to Acts.

Reference  
to Acts.

An Act for the regulation of the militia whilst in actual service, passed January 28th, 1851, p. 422.

An Act concerning the organization of the militia, approved May 1st, 1852, p. 96, was repealed by Act of April 25th, 1855, p. 136.

An Act concerning the organization of the militia, approved April 25th, 1855, p. 136, amended April 10th, 1856, p. 87, and April 29th, 1857, p. 325, was repealed by Act of May 9th, 1861, p. 321.

An Act in relation to the militia of the State, approved May 9th, 1861, p. 321, amended May 17th, 1861, p. 470, was repealed by the following Act:

An Act in relation to the militia of the State, approved April 24th, 1862, p. 362.

Amendment approved April 25th, 1863, p. 441, took effect from passage.

Amendment approved February 10th, 1864, Stats. 1863-4, p. 73, took effect from passage.

An Act supplementary to the foregoing Act of April 25th, 1863, approved April 4th, 1864, Stats. 1863-4, p. 396.

An Act for the relief of the companies composing the Fifth Brigade of the organized militia of the State of California, approved April 4th, 1864, Stats. 1863-4, p. 359.

The following Act, as amended, supersedes all prior Acts on the subject of the militia of this State:

An Act concerning the military of the State of California, approved April 2d, 1866, p. 722.

Amendment approved March 30th, 1868, p. 668, took effect on the first day of April, 1868.

Amendment approved March 30th, 1868, p. 665, took effect on first day of April, 1868.

Additional sections in amendatory Act, approved March 30th, 1868, p. 668.

An Act was passed exempting firemen from military duty, Stats. 1866, p. 31. Also, an Act to provide for military instruction in State University, Stats. 1868, p. 119.

Political Code, Secs. 1895 to 2117, inclusive, "STATE MILITIA," supersedes all prior enactments.

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## CHAPTER CXLIX.

### MINES AND MINING.

SECTION 1484. Reference to Acts.

1484.

Reference  
to Acts.

Many of the Acts relating to mines and mining will be found under the head of "CORPORATIONS."

An Act to protect owners of growing crops, buildings, and other improvements in the mining districts of the State, approved April 25th, 1855, p. 145. Reference to Acts.

An Act to provide for the conveyance of mining claims, approved April 13th, 1860, p. 175.

An Act in reference to corporations organized in this State for the purpose of mining out of this State, approved March 5th, 1861, p. 41.

An Act to authorize mining companies or corporations to change their principal place of business, approved February 15th, 1864; Stats. 1863-4, p. 76.

See "CORPORATIONS."

An Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing civil actions, approved February 18th, 1864; Stats. 1863-4, p. 91.

An Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other place in the State of California, passed February 27th, 1864; Stats. 1863-4, p. 109.

An Act to authorize corporations, organized in this State for the purpose of mining in or without this State, to establish and maintain transfer agencies in other States, approved April 4th, 1864; Stats. 1863-4, p. 429.

An Act concerning partnerships for mining purposes, approved April 4th, 1864; Stats. 1863-4, p. 478.

An Act concerning partnerships for mining purposes, approved April 4th, 1864, p. 478, was repealed by the Act of the same name, approved April 2d, 1866, p. 828.

An Act to regulate the rights of the owners of mines, approved April 1st, 1870, p. 569.

An Act to secure to the miners of this State pure and unadulterated quicksilver, approved March 10th, 1866, p. 191.

An Act entitled an Act concerning partnerships for mining purposes, approved April 28th, 1866, p. 828.

An Act supplementary to the various Acts now in force respecting foreign miners' licenses, approved March 24th, 1866, p. 380.

An Act was approved March 16th, 1868, p. 173, granting the foreign miners' license tax to the counties collecting the same.

See "REVENUE." See, also, "CORPORATIONS," "COLLEGES," and references under the heads of the various mining counties.

See "MINING PARTNERSHIPS," Civil Code, Sec. 2511 to 2520, inclusive.

## CHAPTER CL.

## MINOR CHILDREN.

## SECTION 1485. Reference to Acts.

Reference  
to Acts.

## 1485.

An Act relating to the care and custody of minor children in certain cases, approved March 18th, 1870, p. 328.

An Act providing for the adoption of minors, and the legitimizing of children born out of wedlock, approved March 31st, 1870, p. 530.

Minor may deposit and draw money in savings banks, Stats. 1870, p. 132.

See "GUARDIANS."

Exacting more than eight hours labor of a minor declared a misdemeanor. See "LABOR."

See Civil Code, Secs. 25 to 42, inclusive, and Secs. 193 to 230, inclusive.

## CHAPTER CLI.

## MONEY OF ACCOUNT.

## SECTION 1486. Reference to Acts.

Reference  
to Acts.

## 1486.

An Act in relation to money of accounts of this State, passed April 4th, 1850, p. 459.

Political Code, Secs. 3272 to 3274, inclusive, superseding above Act.

## CHAPTER CLII.

## MONO COUNTY.

## SECTION 1487. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 1487.

Boundaries, Stats. 1861, p. 235; 1863-4, p. 178.

Seat of justice, Stats. 1861, p. 235; 1863-4, p. 30.

Providing for organization, Stats. 1861, p. 235.

Fixing times of holding Court of Sessions, County Court, and Probate Court, Stats. 1861, p. 239.

Providing for appointment of Assayer of Ores and Metals, and defining duties, Stats. 1861, p. 566.



Relative to office of Superintendent of Common Schools, Stats. 1862, p. 42. Reference to special and local Acts.

Authorizing W. H. Dickson and others to construct and maintain toll road, Stats. 1862, p. 99.

Authorizing County Auditor to issue certain bonds, and providing for construction of road (from Sonora to Aurora), Stats. 1862, p. 439.

Creating Current Expense Fund, Stats. 1863, p. 27.

Granting right to J. W. Calder and others to lay water pipes for supplying Aurora with pure water, Stats. 1863, p. 118. (Since the passage of this and some of the following Acts, it has been found that Aurora is not in the State of California.)

Granting to F. K. Bechtel and others right to erect gas works and lay gas pipes to supply Aurora with illuminating gas, Stats. 1863, p. 127.

Exempting certain property belonging to Esmeralda Rifle Company from taxation, Stats. 1863, p. 129.

Providing for construction of wagon road from Sonora to Aurora, Stats. 1863, pp. 134, 761; 1863-4, pp. 157, 364.

Granting to G. H. Brown and others right to build turnpike at point on Big Tree Road, to Silver Mountain, and thence to eastern line of State, Stats. 1863, p. 230.

Authorizing E. Gallagher and others to lay down water pipes in Aurora, Stats. 1863, p. 401.

Granting right to construct turnpike between Chinese Camp and Aurora, Stats. 1863, p. 564.

Authorizing removal of office and principal place of business of mining and other corporations from Aurora to San Francisco, Stats. 1863-4, p. 109.

Granting to B. W. Hathaway and others right to construct and maintain turnpike or toll road from Sonora to State line, in Mono County, Stats. 1863-4, p. 155.

Creating Alpine County, Stats. 1863-4, p. 178.

Providing for construction of wagon and turnpike road by H. Smith and others, Stats. 1863-4, p. 222.

To enable Sonora and Mono Wagon Road Commissioners to settle with county, Stats. 1863-4, p. 364.

For election of county officers, Stats. 1863-4, p. 393.

Granting to J. N. Dudleston and others right to construct and maintain toll road, Stats. 1863-4, p. 416.

Authorizing Owens River Canal Company to improve channel of Owens River Cañon, Stats. 1863-4, p. 481.

Creating Coso County, Stats. 1863-4, p. 528.

Time of holding County Court, Stats. 1865, p. 5.

Salary of County Judge and District Attorney, Stats. 1865, p. 9.

Sonora and Mono road, near Antelope Valley, Stats. 1866, p. 58.

For relief of County Judge, Stats. 1866, p. 401.

Franchise to Samuel French and others to construct turnpike road, Stats. 1866, p. 59.

Reference  
to special  
and local  
Acts.

Allowance of mileage and commissions to County Treasurer, Stats. 1866, p. 231.

Boundaries defined, Stats. 1866, p. 144; 1870, pp. 20, 421.

Granting leave of absence to Sheriff, Stats. 1866, p. 361.

Not to collect tax in boundaries of Inyo, Stats. 1866, p. 358.

Construction of wagon road to Owen's River, Stats. 1866, p. 632.

Terms of District Court in, Stats. 1866, p. 836; 1866, p. 33.

Principal place of business of San Justo Homestead Company, Stats. 1870, p. 40.

Trespass of animals on private property, Stats. 1866, p. 440.

County Clerk to act as School Superintendent, Stats. 1868, p. 50.

Granting leave of absence to District Attorney, Stats. 1868, p. 144.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To define legal distances, Stats. 1868, p. 563.

Dividing county into Supervisor districts, Stats. 1868, p. 678.

For the relief of Anna Lee, Stats. 1868, p. 664.

Supervisors to transfer money, Stats. 1870, p. 48.

Special tax for Contingent Fund, Stats. 1870, p. 54.

Leave of absence to R. G. Watkins, Stats. 1870, p. 70.

To pay outstanding county indebtedness, Stats. 1870, p. 232.

To confer additional powers on Supervisors, Stats. 1870, p. 418.

Tax for officers salaries, Stats. 1870, p. 419.

To allow claim of Dudleston, Stats. 1870, p. 419.

To receive bonds from Inyo County, Stats. 1870, p. 421.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporation, will be found in the Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

CHAPTER CLIII.

MONTEREY COUNTY.

SECTION 1488. Reference to special and local Acts.

1488.

Boundaries, Stats. 1850, p. 59; 1851, p. 173; 1861, p. 349; 1863, p. 358. Reference  
to special  
and local  
Acts.  
Seat of justice, Stats. 1850, p. 59; 1851, p. 173.

Providing for erection of jail, Stats. 1854, p. 188.

Granting J. R. Beals and others right to construct toll bridge across Pajaro River, Stats. 1854, p. 197; 1856, p. 123.

Abolishing Board of Supervisors, etc., Stats. 1854, p. 222.

Concerning collection of taxes now due, Stats. 1855, p. 19.

Fixing time of holding several Courts authorized to be held by County Judge, Stats. 1855, p. 40; 1856, p. 42.

To provide for extinguishment of indebtedness, present and accruing, Stats. 1855, p. 122.

Concerning office of Public Administrator (fees), Stats. 1856, p. 80; 1858, pp. 114, 297; 1859, pp. 24, 96, 234. •

Concerning debt and current expenses, and providing for funding and payment, Stats. 1856, p. 179; 1857, p. 82.

Authorizing executor or administrator of Josefa Soto de Stokes, deceased, to sell real estate, Stats. 1857, p. 99.

Authorizing Rafael Gomez to receive and enjoy certain property, Stats. 1857, p. 247.

Fixing compensation of certain officers (County Judge and District Attorney), Stats. 1857, p. 256.

Legalizing acknowledgments taken by Recorders and their deputies, Stats. 1857, p. 325.

Authorizing sale of real estate of William E. P. Hartnell, deceased, Stats. 1858, p. 307.

Authorizing sale of real estate of San Joaquin Soto, deceased, Stats. 1859, p. 38.

Authorizing sale of real estate of minor heirs of Juan Malarin, deceased, Stats. 1859, p. 70.

Concerning toll bridge across Pajaro River at Malpaso, Stats. 1860, p. 13.

Concerning taxes, Stats. 1860, p. 147.

Declaring Salinas River navigable, Stats. 1861, p. 49.

Granting right to construct and maintain ferry across Salinas River at St. Paul, Stats. 1861, p. 182.

Establishing boundary line between Monterey and San Luis Obispo Counties, Stats. 1861, p. 349.

Authorizing Board of Supervisors to make appropriations out of Current Expense Fund (for road and bridge purposes), Stats. 1861, p. 414.

Reference  
to special  
and local  
Acts.

Granting right to construct bridge across Pajaro River, to G. W. Crane and others, Stats. 1862, p. 62.

Concerning public roads and highways, Stats. 1862, p. 134.

Concerning certain salaries and fees, Stats. 1862, pp. 306, 514; 1863, p. 38 (refers to Stats. 1857, p. 273).

Defining boundary line between Monterey and San Luis Obispo Counties, Stats. 1863, p. 358.

To prevent trespassing of animals upon private property, Stats. 1863-4, p. 47.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

Concerning offices of Clerk and Recorder, Stats. 1863-4, p. 395.

Time of holding County and Probate Court, Stats. 1866, p. 171; 1870, p. 218.

Protection of stock raisers, Stats. 1866, p. 322.

Terms of District Court, Stats. 1866, p. 328.

Compensation of officers, Stats. 1866, p. 630.

Authorized to aid Southern Pacific Railroad, Stats. 1866, p. 816; 1868, p. 81.

Roads and highways, Stats. 1866, p. 822; 1868, p. 272; 1870, p. 73.

Franchise for railroad and wharf, to Hale and others, Stats. 1868, p. 137.

Franchise to J. B. Smith, to construct wharf, Stats. 1868, p. 94.

Hogs running at large, Stats. 1868, p. 235.

Terms of County and Probate Courts, Stats. 1868, p. 349; 1870, p. 218.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

For the preservation of trout, Stats. 1868, p. 460.

Wharf franchise, to C. Moss and others, Stats. 1868, p. 645.

To redistrict county, Stats. 1868, p. 685.

#### CITY OF MONTEREY.

Incorporating City of Monterey, Stats. 1850, p. 131; 1851, p. 375.

Second Act incorporating city, Stats. 1851, p. 367; 1853, p. 161.

Concerning archives in Monterey, Stats. 1851, p. 443.

Third Act incorporating city, Stats. 1853, p. 159; 1857, p. 55; 1862, p. 274.

Making grant for a wharf to J. P. Leese and providing for same, Stats. 1857, p. 231.

Resolution relating to naval force to cruise in Monterey Bay and vicinity, and to fortifications, etc., Stats. 1863-4, p. 560.

Act to incorporate amended, Stats. 1866, p. 834.

Providing for survey of Salinas Slough, Stats. 1870, p. 66.

To prevent stallions from running at large, Stats. 1870, p. 68.

Granting title to water front, Stats. 1868, p. 202.

For the relief of W. V. McGarvey, Stats. 1870, p. 100.

Act in relation to herding sheep, Stats. 1870, p. 304.

Office of Tax Collector, Stats. 1870, p. 315.

To encourage destruction of squirrels and gophers, Stats. 1870, p. 404.

For relocating the county seat, Stats. 1870, p. 411.  
Notaries Public, Stats. 1870, pp. 481, 802.

Reference  
to special  
and local  
Acts.

TOWN OF SAN JUAN.

Incorporation Act, Stats. 1870, p. 245.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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CHAPTER CLIV.

NAPA COUNTY.

SECTION 1489. Reference to special and local Acts.

1489.

Boundaries and seat of justice, Stats. 1850, p. 61; 1851, p. 178; 1852, p. 192; 1855, p. 77; 1861, p. 560.

Reference  
to special  
and local  
Acts.

Legalizing Acts of the Court of Sessions, Stats. 1852, p. 93.

For relief of N. Coombs, Stats. 1852, p. 253.

Providing for erection of public buildings, Stats. 1854, p. 62.

Changing time of holding Court of Sessions and County Court, Stats. 1855, p. 9; 1858, p. 180; 1859, p. 259.

Authorizing Board of Supervisors to levy tax for certain purposes (internal improvements), Stats. 1855, p. 104; 1858, p. 15; 1861, p. 408.

To fund debt and provide for payment, Stats. 1856, p. 192; 1857, p. 21; 1858, p. 124.

Fixing compensation of County Judge, Stats. 1857, p. 14; 1861, p. 312.

Reference  
to special  
and local  
Acts.

Fixing compensation of District Attorney, Stats. 1857, p. 20; 1861, p. 312; 1863, p. 331.

Authorizing B. Grimes to build wharf on Napa Creek, Stats. 1857, p. 70.

To adjust amount of indebtedness of Napa County to Solano County, and provide for payment, Stats. 1857, p. 234.

Fixing compensation of certain officers (Assessor and deputies, Sheriff and Treasurer), Stats. 1857, p. 256.

Providing for transcribing and transferring certain records in Sonoma and Solano Counties to Napa County, Stats. 1858, p. 65.

Authorizing S. and T. H. Thompson to construct wharf at Suscol Ferry, Stats. 1858, p. 113.

Concerning roads and highways, Stats. 1858, p. 227; 1859, p. 16; 1860, pp. 25, 42, 118; 1861, pp. 408, 475.

Extending time for collecting taxes, Stats. 1859, p. 23.

Authorizing county to retain State's portion of poll tax, etc., to be applied to construction and improvement of wagon road from Cloverdale to Yreka, Stats. 1859, p. 323; 1861, p. 173.

Granting right to construct and maintain dam and lock across and in Napa Creek, Stats. 1859, p. 330; 1861, p. 283.

Empowering M. G. Vallejo to convey certain real estate of his son, U. Vallejo, a minor, Stats. 1859, p. 332; 1862, p. 482.

Extending time for Tax Collector to collect taxes and make final settlement with Auditor, Stats. 1860, p. 14.

Fixing compensation of Auditor, Stats. 1860, p. 139.

Providing for compensation of keepers of County Jail, and payment for services from November 1st, 1858, Stats. 1860, p. 219.

Extending time for collecting taxes, Stats. 1861, p. 1.

Authorizing Board of Supervisors to levy tax for general road purposes, Stats. 1861, p. 408.

Defining boundaries and providing for organization of Lake County, Stats. 1861, p. 560.

Providing for election of Supervisors, Stats. 1862, p. 106.

To prevent certain animals from running at large in Napa City, Stats. 1862, p. 210; 1863, p. 322.

Regulating fees of County Surveyor, Stats. 1862, pp. 230, 518.

Authorizing and requiring Board of Supervisors to levy special tax for improving and repairing public highway connecting Napa City and Lakeport, Stats. 1863, pp. 28, 577; 1863-4, p. 113.

Authorizing Board of Supervisors to allow claim of C. Murphy, Stats. 1863, p. 318.

Separating office of County Recorder from office of County Clerk, Stats. 1863, p. 320.

Concerning estrays, Stats. 1863, p. 590.

Fixing time of holding Court of Sessions for 1863, Stats. 1863, p. 740.

Authorizing Board of Supervisors to levy special tax to improve public road from Napa Valley to Lake County, Stats. 1863-4, p. 16.

Authorizing County Treasurer to collect and receive certain public moneys as revenue, Stats. 1863-4, p. 110.

- Providing for collecting wharfage in Napa City, Stats. 1863-4, p. 195. Reference to special and local Acts.  
 Providing for time of holding County Court and Probate Court, Stats. 1863-4, p. 295.  
 For regulation and improvement of Napa City, Stats. 1863-4, p. 297.  
 For improvement of Napa County by providing means for establishment of Agricultural Society and the State Agricultural College therein, Stats. 1863-4, p. 366.  
 Authorizing Board of Supervisors to take and subscribe to stock of Napa Valley Railroad Company, etc., Stats. 1863-4, p. 383.  
 Concerning offices of Clerk and Recorder, Stats. 1863-4, p. 395.  
 Relating to Board of Supervisors, Stats. 1863-4, p. 496.  
 For better preservation of certain records, Stats. 1863-4, p. 500.  
 To subscribe to Napa Valley Railroad Company, Stats. 1866, p. 25.  
 Turnpike road franchise to John Lawley and others, Stats. 1866, p. 277; 1868, p. 138.  
 District Attorney's fees apportioned, Stats. 1866, p. 325.  
 To levy tax for fire engine house, Stats. 1866, p. 533.  
 Protection and establishment of public roads, Stats. 1866, p. 570; 1868, pp. 48, 93.  
 Public highway from Suisun City to Knoxville, Stats. 1866, p. 616.  
 Macadamized road franchise, Stats. 1866, p. 681.  
 Authorizing election Napa Valley Railroad Company, Stats. 1866, p. 810.  
 Treasurers to collect certain revenue, Stats. 1866, p. 827.  
 Leave of absence granted to Treasurer, Stats. 1866, p. 897.  
 Concerning office of Public Administrator, Stats. 1870, p. 5.  
 Franchise to Lawley and others for turnpike, Stats. 1868, p. 138.  
 Clerk of Board of Supervisors, Stats. 1868, p. 144.  
 County Judge to appoint Phonographic Reporter, Stats. 1868, p. 425.  
 To authorize C. P. R. R. to extend its line, Stats. 1868, p. 428.  
 To provide for collection of revenue, Stats. 1868, p. 434.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 Railroad bridge across Napa Creek, Stats. 1868, p. 663.  
 Public Administrator, Stats. 1870, p. 5.  
 For building bridge across Putah Creek, Stats. 1870, p. 222.  
 Concerning office of County Clerk, Stats. 1870, p. 368.

TOWN OF NAPA.

- Franchise to W. Smith and others to lay gas pipes in street, Stats. 1866, p. 304.  
 To raise Fund for improvement of, Stats. 1870, pp. 21, 450.  
 Supervisors to drain and grade streets, Stats. 1870, p. 22.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county

seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CLV.

### NAVIGABLE STREAMS.

#### SECTION 1490. Reference to Acts.

Reference  
to Acts.

#### 1490.

An Act declaring certain rivers, creeks, and sloughs, herein named, navigable, passed March 20th, 1850, p. 100, was repealed by Act of February 18th, 1851, p. 422.

An Act to prevent obstructions in navigable streams, passed April 10th, 1850, p. 188.

An Act declaring certain rivers and creeks navigable, passed February 18th, 1851, p. 422.

An Act to declare Antonio Creek, in the County of Contra Costa, navigable, approved May 3d, 1852, p. 182.

An Act to declare the Arroyo del Medo navigable, approved May 1st, 1852, p. 223.

An Act declaring Mission Creek, in the County of San Francisco, a navigable stream, passed March 31st, 1854, p. 18.

An Act to declare Feather River navigable, approved March 14th, 1857, p. 77, amended April 13th, 1858, p. 151, amended again April 23d, 1858, p. 251, was repealed by the following Act:

An Act to repeal an Act to declare Feather River navigable, approved March 14th, 1857, approved May 14th, 1861, p. 362.

An Act to declare the head of navigation on the Tuolumne River, passed April 13th, 1854, p. 26.

An Act to declare Nueces and Diablo Creeks, in the County of Contra Costa, navigable streams, approved April 10th, 1858, p. 127.

An Act declaring certain creeks in Marin County navigable, approved May 17th, 1861, p. 469.

An Act to declare navigable the Arroyo de San Antonio or Keyes' Creek, Marin County, approved March 28th, 1860, p. 126.



An Act to declare certain streams and sloughs navigable in Humboldt County, approved April 10th, 1860, p. 159. Reference to Acts.

An Act declaring the Salinas River, in the County of Monterey, a navigable stream, approved March 13th, 1861, p. 49.

The several Acts in relation to the improvement of navigation of certain streams, will be found referred to under the heads of the counties in which they are situated, such as Alameda, Mendocino, Solano, and Sonoma. An Act in relation to Sutter Creek, in the Town of Ione City, approved May 2d, 1861, p. 267, seems designed to fix boundaries, but makes obstructions, by building bulkheads or filling in, a misdemeanor, punishable with imprisonment or fine.

An Act to authorize Edward Bent, his associates and assigns, to clear the channel and render navigable the stream in Contra Costa County known as the Arroya del Hambra, approved March 8th, 1866, p. 174.

An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, p. 422, approved April 4th, 1870, p. 721.

Amendment to an Act declaring certain creeks in Marin County navigable, approved May 17th, 1861, p. 469; approved April 2d, 1870, p. 663.

Franchise granted to California Steam Navigation Company to improve navigation of the Sacramento and San Joaquin Rivers, by Act approved March 30th, 1868, p. 676. Also, an Act for the improvement of the Sacramento River, approved March 20th, 1866, p. 301.

An Act granting a franchise to certain parties to improve navigation of Mokelumne River, approved April 4th, 1864; was amended by Act approved March 17th, 1866, p. 279.

Also, an Act granting a franchise for the improvement of the San Joaquin River, approved March 31st, 1866, p. 586; and an Act to the same effect for certain streams in Santa Clara County, approved April 4th, 1870, p. 763; and an Act for the improvement of the Truckee River, approved April 4th, 1870, p. 771.

See Political Code, Secs. 2348 to 2350, inclusive, superseding above Act.

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## CHAPTER CLVI.

### NEVADA COUNTY.

SECTION 1491. Reference to special and local Acts.

#### 1491.

Boundaries and seat of justice, Stats. 1851, p. 177; 1852, pp. 190, 191; 1856, p. 143. Reference to special and local Acts.

Providing for organization, Stats. 1851, p. 516.

Reference  
to special  
and local  
Acts.

Concerning indebtedness of Yuba County, chargeable to Nevada County, Stats. 1852, p. 242.

Changing name of South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company, Stats. 1855, p. 1.

Legalizing certain Court records, Stats. 1855, p. 79.

Authorizing the issuance of bonds to aid erection of public buildings, Stats. 1855, p. 146.

Concerning fees of Public Administrator, Stats. 1856, p. 80; 1858, pp. 114, 297; 1859, pp. 24, 96, 234.

Concerning county officers, Stats. 1856, p. 108.

Authorizing special tax for county purposes, Stats. 1857, p. 232; 1858, p. 30; 1859, p. 181.

Extending time for making assessment and collection of taxes, Stats. 1858, p. 329.

Fixing time for holding Court of Sessions and County Court, Stats. 1859, p. 52; 1860, p. 41.

Concerning roads and highways, Stats. 1859, pp. 61, 188; 1860, pp. 39, 60; 1863, p. 266.

Regulating fees in office, Stats. 1859, p. 285.

Authorizing administrator of Henry Meredith, deceased, to sell real estate, Stats. 1861, p. 32.

Providing for maintenance of indigent sick, Stats. 1861, p. 33.

Providing for collection of delinquent taxes, Stats. 1861, pp. 34, 117.

Incorporating Town of Grass Valley, Stats. 1861, p. 153; 1862, p. 98; 1863-4, p. 57.

Authorizing sale of estate of Maria Smith, deceased, Stats. 1861, p. 532.

Granting certain privileges (to lay down gas pipes and supply gas in Grass Valley) to W. Loutzenheiser and others, Stats. 1862, p. 115.

Fixing compensation of County Judge, Stats. 1862, p. 212.

Granting right of way to construct toll bridge across Bear River, Stats. 1862, p. 283.

Granting right to construct turnpike road between Grass Valley and Bear River, Stats. 1862, p. 435; 1863-4, p. 257.

Granting right of way to construct toll bridge across Bear River, at McCourtney's Crossing, Stats. 1862, pp. 437, 560.

Repealing Act concerning townships and reinstating county organization, Stats. 1863-4, p. 17.

Providing for time of holding County Court and Probate Court, Stats. 1863-4, p. 66.

For relief of J. I. Sykes, Auditor, Stats. 1863-4, p. 115.

Exempting active and exempt firemen from jury duty, Stats. 1863-4, p. 118.

Providing for location, construction, and maintenance of public roads, Stats. 1863-4, p. 124.

Authorizing Board of Supervisors to levy additional tax for county purposes, Stats. 1863-4, p. 137.

Allowing additional compensation to Board of Supervisors, Stats. 1863-4, p. 199. Reference to special and local Acts.

Extending laws concerning fences over Nevada County, Stats. 1863-4, p. 318.

Fixing salaries of county officers, Stats. 1863-4, p. 494.

Transfer of funds to School Fund, Stats. 1865, p. 3.

Office of County Auditor, Stats. 1866, p. 12.

Canal companies, Incorporation Act amended, Stats. 1866, pp. 53, 605.

Additional deputies for Recorder, Stats. 1866, p. 207.

Fees of Sheriff and deputies, Stats. 1866, p. 205.

Notaries Public, Stats. 1866, p. 234.

For relief of Solomon Crown, Stats. 1866, p. 376.

Compensation of District Attorney, Stats. 1866, p. 638.

Franchise to G. B. Crane for macadamized road, Stats. 1866, p. 681.

Protection of cemeteries, Stats. 1868, p. 26.

For relief of County Treasurer, Stats. 1868, p. 59.

Act concerning jurors, Stats. 1868, p. 39.

Public and private roads, Stats. 1866, p. 381; 1868, p. 158; 1870, p. 231.

For the protection of cemeteries, Stats. 1868, p. 26.

To authorize administrator to sell lands, Stats. 1868, p. 195.

To prevent stallions from running at large, Stats. 1870, p. 68.

Special tax for school house, Stats. 1868, p. 243.

For relief of C. C. Lawsend, Stats. 1868, p. 346.

Fees and salaries, Stats. 1870, p. 142.

For preservation of trout, Stats. 1868, p. 460.

Location and construction of public roads, Stats. 1868, p. 564.

For the relief of N. T. Davenport, Stats. 1870, p. 819.

To authorize administratrix of deceased to sell real estate, Stats. 1870, p. 214.

#### TOWN OF GRASS VALLEY.

Incorporation Act amended, Stats. 1866, p. 363.

Defining limits of, Stats. 1870, p. 16.

#### CITY OF NEVADA.

Incorporating City of Nevada, Stats. 1851, p. 339; 1852, p. 188.

Repealing charter and providing for disposition of property and payment of debts, Stats. 1852, pp. 183, 189.

Second Act incorporating city, Stats. 1856, p. 216; 1857, pp. 10, 312; 1858, p. 125; 1860, p. 295.

To supply city with water and protect against fires, Stats. 1857, p. 310.

Providing for construction of a bridge in city, Stats. 1861, p. 78.

To support and maintain Fire Department, Stats. 1861, p. 179.

Providing for collection of delinquent taxes, Stats. 1863-4, p. 59.

Fire Department, Act amended, Stats. 1865, p. 3.

Trustees to levy additional tax, Stats. 1868, p. 300.

Incorporation, Act amended, Stats. 1870, p. 652.

Tax to build school house, Stats. 1868, p. 243.

## TOWN OF MEADOW LAKE.

Act to incorporate, Stats. 1866, p. 372.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Sec. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CLVII.

### NEWSPAPERS.

SECTION 1492. Reference to Act.

Reference  
to Acts.

1492.

An Act for the purchase and preservation of public newspapers printed and published in the several counties of this State, approved April 8th, 1862, p. 141.

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## CHAPTER CLVIII.

### NORMAL SCHOOL.

SECTION 1493. Reference to Acts.

Reference  
to Acts.

1493.

An Act concerning the State Normal School, approved March 10th, 1870, p. 231.

An Act to establish a State Normal School, approved April 4th, 1870, p. 787.

Deficiency for extra teacher, Stats. 1870, p. 560; appropriation for support of, Stats. 1870, p. 735; Principal to be member of State Board of Education, Stats. 1870, p. 824.

See Political Code, Secs. 1487 to 1507, inclusive, "NORMAL SCHOOL;" and also Secs. 1728 and 3713, superseding the above Acts.

## CHAPTER CLIX.

### NOTARIES PUBLIC.

#### SECTION 1494. Reference to Acts.

#### 1494.

An Act concerning Notaries Public, passed March 27th, 1850, p. 114; amended April 5th, 1851, p. 108, was repealed by Reference to Acts.

An Act concerning Notaries Public, approved April 30th, 1853, p. 125, which was repealed by

An Act concerning Notaries Public, approved April 30th, 1857, p. 358. This Act, which was amended March 16th, 1859, p. 108; March 31st, 1859, p. 152; April 30th, 1860, p. 339; May 17th, 1861, p. 497; and May 20th, 1861, pp. 577, 578, was repealed with the amendatory Acts by the following Act:

An Act to provide for the appointment of Notaries Public, and defining their duties, approved April 25th, 1862, p. 443.

An Act supplementary to the foregoing Act of April 25th, 1862, approved April 4th, 1864, Stats. 1863-4, p. 486.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April 25th, 1862, p. 443; approved March 13th, 1866, p. 234.

An Act supplementary to the same Act of April 25th, 1862, p. 443, approved January 27th, 1870, p. 28.

An Act supplementary to the same Act of 1862, p. 443, approved April 4th, 1870, p. 779.

An Act supplementary to the same Act of 1862, p. 443, approved April 4th, 1870, p. 802.

An Act to authorize the appointment of Notaries Public in the Counties of Inyo and Kern, approved April 2d, 1866, p. 865.

An Act to create the office of a Notary Public in Sonoma County, approved February 8th, 1870, p. 55.

An Act to authorize the Governor of the State of California to appoint three additional Notaries Public for the County of Santa Clara, approved February 14th, 1870, p. 68.

An Act concerning Notaries Public in the County of San Joaquin, approved March 12th, 1870, p. 296.

An Act to increase the number of Notaries Public for Stanislaus and Merced Counties, approved March 28th, 1870, p. 402.

An Act to increase the number of Notaries Public for Mendocino County, approved March 28th, 1868, p. 461.

An Act to increase the number of Notaries Public for Monterey County, approved March 29th, 1870, p. 481.

An Act providing for the appointment of additional Notaries Public in Sacramento County, approved April 4th, 1870, p. 697.

See Political Code, Secs. 791 to 801, inclusive, superseding prior Acts.

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## CHAPTER CLX.

### NUISANCES.

SECTION 1495. Reference to Acts.

Reference  
to Acts.

#### 1495.

An Act to prevent certain public nuisances, approved May 3d, 1852, p. 100.

Special and local Acts, relating to slaughter houses and brick burning in San Francisco, and declaring them nuisances within certain limits, will be found referred to under the head of San Francisco City and County.

An Act supplementary to an Act entitled "An Act concerning crimes and punishments, passed April 16th, 1850," approved April 20th, 1863, p. 350 (declaring rebel flags and devices exposed to public view, nuisances).

See Penal Code, Secs. 370 to 374, inclusive, relating to "NUISANCES."

Civil Code, Secs. 3479 to 3503, inclusive, "PUBLIC AND PRIVATE NUISANCES."

Political Code, Secs. 2746 and 3028.

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## CHAPTER CLXI.

### OATHS.

SECTION 1496. Reference to Acts.

Reference  
to Acts.

#### 1496.

An Act concerning the administration of oaths, approved May 1st, 1852, p. 106.

Taking and administering extra judicial oaths a misdemeanor, Penal Code, Secs. 151 and 152.

Who may administer oaths, Political Code, Secs. 1028 and 4118.

## CHAPTER CLXII.

## OFFICES AND OFFICERS.

## SECTION 1497. Reference to Acts.

## 1497.

An Act concerning offices, passed April 11th, 1850, p. 205, was re-  
pealed by

Reference  
to Acts

An Act concerning offices, passed April 28th, 1851, p. 415. This Act was amended by Acts of May 3d, 1852, p. 165; March 24th, 1854, p. 17; February 8th, 1855, p. 6; February 13th, 1857, p. 19; March 26th, 1858, p. 90; April 24th, 1858, p. 261, and March 20th, 1860, p. 108. It was, with the amendatory Acts, repealed by the Act of April 22d, 1863, p. 386.

An Act supplementary to and amendatory of "An Act concerning offices," approved April 28th, 1851, approved March 20th, 1860, p. 108.

An Act concerning offices, approved April 22d, 1863, p. 386. Amendment approved December 23d, 1863, Stats. 1863-4, p. 8; took effect from passage. Amendment approved April 1st, 1864, Stats. 1863-4, p. 316; took effect from passage.

An Act supplementary to the foregoing Act of April 22d, 1863, approved April 4th, 1864, Stats. 1863-4, p. 323.

An Act to fix the place of residence of certain State officers, passed May 15th, 1854, p. 177.

An Act concerning officers, approved April 9th, 1861, p. 139.

An Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers, approved March 18th, 1864, Stats. 1863-4, p. 187.

An Act concerning the offices of Clerk and Recorder, approved April 4th, 1864, Stats. 1863-4, p. 395.

## OFFICIAL MISFEASANCE.

An Act to provide for the punishment of embezzlement of public money and other purposes, passed April 10th, 1851, p. 425.

An Act to prohibit officers from being interested in certain contracts, passed May 1st, 1851, p. 522.

An Act to prevent certain officers from dealing in certain securities or evidences of debt, approved May 4th, 1852, p. 64.

An Act to prevent extortion in office, and to enforce official duty, approved March 14th, 1853, p. 40.

Amendment to an Act concerning offices, approved April 22d, 1863, p. 388; approved February 5th, 1868, p. 32.

An Act to define the time when certain reports shall be made, approved March 18th, 1870, p. 333.

An Act defining time for printing reports, approved March 24th, 1870, p. 359. See references under the heads of the various counties.

Political Code, Part III, Title I, "PUBLIC OFFICERS," Secs. 220 to

1032, inclusive; "COUNTY OFFICERS," Secs. 4101 to 4333, inclusive;  
"CITY OFFICERS," Secs. 4369, 4370.

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## CHAPTER CLXIII.

### ORPHAN ASYLUMS.

SECTION 1498. Reference to Acts.

Reference  
to Acts.

1498.

An Act to appropriate funds for the relief of the several Orphan Asylums of this State, approved March 28th, 1870, p. 424.

Authorized to board out half orphan children, Stats. 1870, p. 334.

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## CHAPTER CLXIV.

### OYSTERS.

SECTION 1499. Oyster beds of natural growth to be staked off below low-water mark.

1500. Oyster beds planted where no natural growth.

1501. Persons may stake off beds planted. ,

1502. Unlawful interference with beds staked off.

1503. Destroying stakes.

1504. Disposition of fines and penalties.

1505. Discoverer of oyster beds may appropriate them.

1506. Shall stake off and file a description of his claim; good for three years.

1507. Penalty for infringing on rights.

1508. Repeal of conflicting Acts.

*An Act concerning oysters.*

[Passed April 28, 1851, p. 432.]

[Enacting clause.]

Oyster beds  
of natural  
growth to  
be staked  
off below  
low-water  
mark.

1499. SECTION 1. It shall not be lawful for any person or persons to stake off any oyster bed of natural growth, or to prevent or interrupt any person from taking or carrying off oysters from any such bed, on any of the lands belonging to this State below low-water mark, under a penalty of one hundred dollars



for every such offense, to be recovered, with costs of suit, by any person suing for the same, before any Justice of the Peace.

1500. SEC. 2. Any person or persons may lay down and plant oysters on any of the lands belonging to this State below low-water mark, in which there is no natural growth thereof, and the ownership of and the exclusive right to take up and carry off the same shall be continued and remain in such person or persons who shall have laid down and planted the same.

Oyster beds  
planted  
where no  
natural  
growth.

1501. SEC. 3. Any person or persons who have, or who hereafter may lay down and plant oysters as hereinbefore provided; shall stake off the land on which the same is, or hereafter may be, laid down and planted, and such stakes shall be sufficient marks of the boundaries and limits, and entitle such person or persons to the exclusive use and occupation thereof, for the purposes prescribed in this Act; *provided*, that nothing herein contained shall be deemed to authorize any impediments or obstructions to the free navigation of the said waters as now used.

Persons  
may stake  
off beds  
planted.

1502. SEC. 4. Any person or persons who shall enter upon any lot of land in which there shall be oysters laid down and planted, and which at the time of such entry shall be staked off pursuant to the provisions of this Act, and who shall take up and carry off therefrom such oysters, without the consent or permission of the occupants and owners thereof, may be sued therefor, and in such suit said occupants and owners shall, upon establishing such fact by competent proof, recover any such damages as he or they may have sustained in the premises, and the judgment in such suit may be satisfied out of the property, either real or personal, of the defendant.

Unlawful  
interfer-  
ence with  
beds  
staked off.

Destroying  
stakes.

1503. SEC. 5. Any person who shall willfully destroy or remove, or cause to be removed or destroyed, any stakes or marks intended to designate the boundaries and limits of any land claimed and staked off pursuant to the provisions of this Act, shall be subject to pay a fine of not less than one hundred dollars for every offense, to be recovered, with costs of suit, by any person suing for the same, before any Justice of the Peace having cognizance thereof, and the person so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted accordingly, by indictment or otherwise.

Disposition  
of fines and  
penalties.

1504. SEC. 6. All fines and penalties collected under sections one and five of this Act shall be appropriated, one half to the person prosecuting the same, and one half to the county in which such indictment or prosecution may be brought or sustained.

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*An Act concerning oyster beds.*

[Approved April 2, 1866, p. 848.]

[Enacting clause.]

Discoverer  
of oyster  
beds may  
appropriate  
them.

1505. SECTION 1. It shall be lawful for any person, persons, or company, who shall discover any oyster bed or cove of natural growth in the bays, coast, or inlets of this State, or in the waters or flats adjoining the same, or upon any of the lands belonging to this State, to appropriate the same to their own use and benefit, in accordance with the provisions of this Act.

Shall stake  
off and file  
a descrip-  
tion of his  
claim.

1506. SEC. 2. Within ten days after such discovery it shall be the duty of the parties locating such bed or cove to stake off the same and file a description of the territory embraced in their claim in the county or counties wherein the same is made, and from and after that date the parties shall be protected

in the same and be deemed to have the exclusive right and title of the State to the use of the lands upon which such discovery has been made, for the purpose of removing, sale, and use of the oysters or shell fish so found; *provided*, that no person shall be allowed to locate over ten acres upon such oyster bed, nor shall such claim be continued for a period of over three years from the date of its location.

Good for  
three years

1507. SEC. 3. Any person infringing upon the rights of the parties, or shall interfere with such location, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty nor more than three hundred dollars for each and every offense, and shall, in addition thereto, be answerable in an action for trespass for all damages that may be sustained by the location [locator].

Penalty for  
infringing  
on rights.

1508. SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repeal of  
conflicting  
Acts.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Franchise granted for cultivation in Contra Costa County, Stats. 1866, p. 721.

These Acts are continued in force by Sec. 19, Political Code.

## CHAPTER CLXV.

### PARDONS.

SECTION 1509. Reference to Acts.

1509.

An Act prescribing the manner of applying for pardons, approved May 18th, 1853, p. 270.

Reference  
to Acts.

An Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April 4th, 1864; Stats. 1863-4, p. 356.

Reference  
to Acts.

Amendments to an Act to confer further powers upon the Governor in relation to pardons, approved April 4th, 1864, p. 356.

Amendment approved March 30th, 1868, p. 675, took effect from passage.

Amendment approved March 7th, 1868, p. 111.

Additional section to Act of April 4th, 1864, p. 356, approved March 30th, 1868, p. 675.

An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison, approved March 9th, 1868, p. 116.

See Penal Code, Secs. 1417 to 1423, inclusive, "REPRIEVES, COMMUTATIONS, AND PARDONS," superseding prior Acts.

## CHAPTER CLXVI.

## PARTNERSHIPS.

## SECTION 1510. Reference to Acts.

Reference  
to Acts.

## 1510.

An Act to authorize the formation of limited partnerships, passed April 4th, 1850, p. 148, is repealed by the Act to authorize the formation of special partnerships, approved March 4th, 1870, p. 123, which is given below. An Act amendatory and supplementary to the former Act was approved March 30th, 1868, p. 706, and was not included in the repealing clause of the Act of 1870, p. 123.

## LIMITED PARTNERSHIPS.

Amendatory and supplementary to an Act to authorize the formation of limited partnerships, passed April 4th, 1850, p. 148, approved March 30th, 1866, p. 706.

Supplemental sections of Act, approved March 30th, 1868, p. 706.

## SPECIAL PARTNERSHIPS.

An Act to authorize the formation of special partnerships, approved March 4th, 1870, p. 123.

An Act concerning partnerships for mining purposes, approved April 4th, 1864, Stats. 1863-4, p. 478. See "MINES."

See Civil Code, Secs. 2395 to 2520, inclusive, "PARTNERSHIP," superseding all prior enactments.

## CHAPTER CLXVII.

### PASTURAGE OF STOCK.

SECTION 1511. Reference to Act.

1511.

An Act to secure a lien on live stock kept, fed, or pastured by ranchmen and stable keepers, approved April 4th, 1870, p. 723. Reference to Acts.

## CHAPTER CLXVIII.

### PAWNBROKERS AND PLEDGEES.

SECTION 1512. Reference to Acts.

1512.

An Act to define the duties and liabilities of pawnbrokers and pledgees, approved April 17th, 1861, p. 184. Reference to Acts.

Amendment to Act defining their duties and liabilities, approved April 17th, 1861, p. 184; approved April 4th, 1870, p. 820.

Civil Code, Secs. 2986 to 3011, inclusive, "PLEDGE."

Penal Code, Secs. 338 to 343, inclusive, providing punishment for the violation of obligations imposed upon pawnbrokers.

## CHAPTER CLXIX.

### PEDDLERS.

SECTION 1513. Reference to Acts.

1513.

An Act to license hawkers and peddlers in this State, passed April 25th, 1851, p. 298. Reference to Acts.

An Act entitled an Act to prevent non-residents of this State from selling goods without a license, approved May 2d, 1862, p. 481.

See Political Code, Sec. 3384.

## CHAPTER CLXX.

## PEST HOUSES.

SECTION 1514. Reference to Act.

Reference  
to Acts.

**1514.**

An Act to prevent the establishment of pest houses within the limits of any town or city in this State, approved March 10th, 1853, p. 35.

See "HEALTH," "HOSPITALS," "INDIGENT SICK."

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## CHAPTER CLXXI.

## PETROLEUM.

SECTION 1515. Reference to Act.

Reference  
to Acts.

**1515.**

An Act to provide for the better protection of the petroleum mining interests of this State, approved March 17th, 1866, p. 286.

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## CHAPTER CLXXII.

## PHOSPHORUS.

SECTION 1516. Reference to Act.

Reference  
to Acts.

**1516.**

An Act to prevent the use of phosphorus for poisoning vermin, or any animals, in certain counties of this State, between the first day of March and the first day of November in each year, approved April 6th, 1863, p. 185.

See Penal Code, Sec. 630.

## CHAPTER CLXXIII.

## PILOTS.

## SECTION 1517. Reference to Acts.

## 1517.

An Act in relation to the appointment of pilots for the different ports and harbors of California, passed January 8th, 1850, p. 46. Reference to Acts.

This Act was repealed as to San Francisco by Act of February 25th, 1850, p. 65; as to Benicia and Mare Island by Act of March 29th, 1856, p. 62; and as to Humboldt Bay and Bar by Act of March 8th, 1860, p. 74.

An Act to exempt vessels coasting within the limits of this State from paying pilot dues, passed April 21st, 1851, p. 426.

## PILOTS FOR SAN FRANCISCO, MARE ISLAND, AND BENICIA.

An Act to establish pilots and pilot regulations for the Port of San Francisco, passed February 25th, 1850, p. 65; amended April 27th, 1852, p. 201, was repealed by

An Act to establish pilots and pilot regulations for the Port of San Francisco, passed May 11th, 1854, p. 232. This Act, which was amended April 16th, 1855, p. 119, and April 16th, 1858, p. 174, was repealed by

An Act amendatory of and supplemental to an Act entitled "An Act to establish pilots and pilot regulations for the Port of San Francisco," passed May 11th, 1854, and of the several Acts amendatory thereof, approved April 21st, 1860, p. 220. This Act was virtually repealed by

An Act to establish pilots and pilot regulations for the Port of San Francisco, approved May 20th, 1861, p. 594. And this Act, amended April 11th, 1863, p. 249, together with

An Act to establish pilots and pilot regulations for the Port and Harbors of Benicia and Mare Island, approved March 29th, 1856, p. 62, was also virtually repealed by

An Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, approved April 4th, 1864, Stats. 1863-4, p. 389.

## PILOTS FOR HUMBOLDT BAY AND BAR.

An Act in relation to the appointment of pilots for the Bay and Harbor of Humboldt, passed April 5th, 1851, p. 325, was repealed by the following Act:

An Act to establish pilots and pilot regulations for Humboldt Bay and Bar, approved March 8th, 1860, p. 74.

## PILOTS FOR SAN DIEGO.

An Act relating to San Diego pilots, approved January 27th, 1853, p. 22.

The Acts in force at the time of the passage of the above Act, in re-

gard to pilots of San Francisco, were the Act of February 25th, 1850, p. 65, and the amendatory Act of April 27th, 1852, p. 201.

An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March 22d, 1870, p. 344.

See Political Code, Secs. 2429 to 2491, inclusive, "PILOTS AND PILOT COMMISSIONERS," superseding prior enactments.

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## CHAPTER CLXXIV.

### PLACER COUNTY.

#### SECTION 1518. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1518.

Boundaries and seat of justice, Stats. 1851, p. 176.

Providing for organization, Stats. 1851, p. 516.

Concerning indebtedness of Sutter County, chargeable to Placer County, Stats. 1852, p. 242.

Fixing salary of County Judge, Stats. 1853, p. 209; 1855, p. 195; 1857, p. 19; 1862, p. 477.

Authorizing Court of Sessions to reimburse W. D. Smith and I. A. Avery moneys expended in constructing wagon road across the Sierra Nevada, Stats. 1854, p. 54.

Authorizing levy of special tax, Stats. 1856, p. 41; 1857, p. 15; 1862, p. 45.

Providing for maintenance of indigent sick, Stats. 1856, p. 60; 1857, p. 243; 1861, p. 265; 1862, p. 263.

Enabling taking and holding by county, of stock in company to extend Sacramento Valley Railroad to Auburn, Stats. 1856, p. 130.

Concerning county officers, Stats. 1857, p. 4.

Concerning Board of Supervisors, Stats. 1857, pp. 11, 153.

Concerning fees of County Clerk, Stats. 1857, p. 176.

Fixing time of holding County Court, Stats. 1857, p. 291.

Separating office of County Recorder, County Auditor, Clerk of Board of Supervisors, and Clerk of Board of Equalization from office of County Clerk, Stats. 1858, p. 19; 1861, p. 527.

Concerning office of County Clerk, Stats. 1858, p. 29; 1863-4, p. 197.

Separating office of Collector of Taxes from offices of Sheriff and Assessor, Stats. 1858, p. 62.

Concerning official bonds of District Attorney, Surveyor, Coroner, and Public Administrator, Stats. 1859, p. 70.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Concerning fees of Public Administrator, Stats. 1859, p. 234.



Changing term of holding Court of Sessions and County Court, Stats. 1860, p. 34. Reference  
to special  
and local  
Acts.

Legalizing official acts of H. B. Hawkins and J. T. Stewart as County Clerks, Stats. 1860, p. 36.

Incorporating Town of Auburn, Stats. 1860, pp. 135, 162, 251.

Authorizing American River Water and Mining Company to take, use, and hold certain land, Stats. 1860, p. 155.

Authorizing Auburn to take and subscribe fifty thousand dollars to stock of Sacramento, Placer, and Nevada Railroad Company, etc., Stats. 1860, p. 254.

Enabling county to subscribe for stock to Sacramento, Placer, and Nevada Railroad, to Eastern Extension Railroad, and to assist in constructing certain wagon roads, Stats. 1860, p. 344.

Concerning roads and highway, Stats. 1860, p. 359; 1861, p. 253; 1862, p. 355; 1863, p. 100; 1863-4, pp. 255, 449.

Changing venue in case of Horace Smith, Stats. 1861, p. 47.

Concerning office of Tax Collector, Stats. 1861, p. 150.

Authorizing J. Atkinson to remove remains of deceased persons, Stats. 1861, p. 167.

Authorizing G. Bewel to remove remains of deceased persons, Stats. 1861, p. 238.

Authorizing removal of human remains, Stats. 1862, p. 11.

Concerning roads and streets in Auburn, Stats. 1862, p. 18.

Authorizing county to loan credit to Sacramento, Placer, and Nevada Railroad Company, to amount of one hundred thousand dollars, Stats. 1862, pp. 120, 549.

Providing for collection of delinquent taxes, Stats. 1862, p. 253.

Granting right to keep and maintain bridge across the North Fork of American River, near Carrolton, Stats. 1862, p. 273.

Granting right of way to construct toll bridge across Bear River, at McCourtney's Crossing, Stats. 1862, pp. 437, 560.

Granting right to construct and maintain bridge across American River, near Rattlesnake Bar, Stats. 1863, p. 142.

Authorizing county to subscribe to stock of Central Pacific Railroad Company, Stats. 1863, p. 145.

For better protection of County Treasury, Stats. 1863, p. 173.

Incorporating Town of Dutch Flat, Stats. 1863, p. 255.

Making appropriation for payment of expenses growing out of indictment and trial of Horace Smith, Stats. 1863, p. 301.

Authorizing Board of Supervisors to purchase or construct a County Hospital, Stats. 1863, p. 304.

Authorizing Supervisors to audit and allow claim of G. L. Anderson, Stats. 1863, p. 332.

Authorizing county to appropriate moneys for support of County Agricultural Association, Stats. 1863, p. 358.

Relative to election of district Tax Collectors and Assessors, Stats. 1863, p. 406.

Concerning records and papers in office of County Clerk, Stats. 1863, p. 746.

Reference  
to special  
and local  
Acts.

Authorizing County Treasurer to transfer money from General Fund to School Fund, Stats. 1863, p. 768.

Legalizing certain records in Recorder's office, Stats. 1863-4, p. 84.

Fixing salary of Superintendent of Common Schools, Stats. 1863-4, p. 86.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

Authorizing Board of Supervisors to levy special poll tax for county purposes, Stats. 1863-4, p. 116.

Authorizing Board of Supervisors to appropriate money from General Fund (for repairs of hospital building), Stats. 1863-4, p. 258.

Dividing county into Supervisor and revenue districts, providing for election of Supervisors, Assessors, and Tax Collectors, etc., Stats. 1863-4, p. 291.

To legalize official bond of J. W. Dickinson, Treasurer, Stats. 1863-4, p. 450.

Conferring certain powers (to audit and allow account of Dr. S. P. Thomas) on Board of Supervisors, Stats. 1863-4, p. 472.

Support of common schools and indigent sick in, Stats. 1866, p. 35.

To divide into districts, Stats. 1866, p. 54.

Canal companies, incorporation Act amended, Stats. 1866, p. 53.

To divide into revenue districts, Stats. 1866, p. 54.

Fees and mileage of jurors, Stats. 1866, p. 131.

Boundaries defined, Stats. 1866, p. 223; 1870, p. 294.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.

District Attorney, Act concerning, Stats. 1866, p. 352.

Protection of treasury, Act amendatory, Stats. 1866, p. 590.

To subscribe to Central Pacific Railroad Company, Stats. 1866, p. 628; 1870, p. 866.

Exempted from provisions of road law, Stats. 1866, p. 381.

Roads and highways, Stats. 1866, p. 670; repealed so far as it conflicts with Act of 1870, p. 457.

Franchise to Cave Valley turnpike road, Stats. 1866, p. 488.

To levy special poll tax, Stats. 1868, pp. 96, 609.

Public and private roads, Stats. 1868, p. 158; 1870, p. 231.

Concerning roads and highways, Stats. 1870, p. 457.

Fees and salaries, Stats. 1870, p. 184.

For the preservation of trout, Stats. 1868, p. 460.

To provide for transfer of funds, Stats. 1868, p. 477; 1870, p. 807.

To pay claim of W. W. Price, Stats. 1868, p. 503.

Concerning foreign miners' license, Stats. 1868, p. 563.

Terms of County and Probate Courts, Stats. 1868, p. 688.

For relief of W. D. Perkins, Stats. 1870, p. 56.

To create Bridge Fund, Stats. 1870, p. 60.

To legalize name of Lake Bigler, Stats. 1870, p. 64.

Assessment and collection of taxes, Stats. 1870, p. 110.

Act in relation to herding sheep, Stats. 1870, p. 304.

Extending authority of District Attorney, Stats. 1870, p. 367.

Office of Clerk of Boards of Supervisors and Equalization, Stats. 1870, p. 576. Reference to special and local Acts.

To pay certain claims, Stats. 1870, p. 580.

Concerning Road Fund of certain districts, Stats. 1870, p. 580.

Franchise to Donner Lumber and Boom Company, Stats. 1870, p. 771.

To regulate fees of Justices and Constables, Stats. 1870, p. 805.

Transfer of money to Railroad Fund, Stats. 1870, p. 807.

Supervisors to dispose of railroad stock, Stats. 1870, p. 866.

TOWN OF AUBURN.

To repeal incorporation Act, Stats. 1868, p. 555.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part I, and, to a certain extent, as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

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CHAPTER CLXXV.

PLUMAS COUNTY.

SECTION 1519. Reference to special and local Acts.

1519.

Boundaries, Stats. 1854, p. 8; 1860, p. 339; 1863-4, p. 264.

Seat of justice, Stats. 1854, p. 8.

Organizing Plumas County out of a portion of Butte County, Stats. 1854, p. 8; 1857, p. 92.

Giving jurisdiction to Courts in certain cases (arising before organization of county), Stats. 1854, p. 232.

Concerning County Judge, Stats. 1856, pp. 106, 92, 252.

Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

Providing for construction of wagon road from Oroville to proposed National Wagon Road, Stats. 1857, p. 291.

Fixing time of holding Court of Sessions and County Court, and changing manner of summoning jurors for County Court, Stats. 1858, p. 96.

Authorizing Board of Supervisors to levy special tax for building purposes, Stats. 1859, p. 2; 1861, p. 115.

Changing time of assessing value of real and personal property, and collecting taxes, etc., Stats. 1859, p. 317; 1860, p. 7.

Concerning roads and highways, Stats. 1859, p. 368; 1863, p. 533.

Extending time for collecting taxes, Stats. 1860, p. 42; 1861, p. 37.

Legalizing assessment roll in 1859, Stats. 1860, p. 153.

Providing for settling boundary lines between Plumas and Sierra and Shasta Counties, Stats. 1860, p. 339.

Relating to sureties on official bond of T. J. Miller, late County Treasurer, Stats. 1861, p. 516.

Authorizing administratrix of Christopher Myers, deceased, to dispose of real estate, Stats. 1862, p. 169.

To better define the boundaries of Sierra County, etc., and to legalize certain civil actions determined and pending in Sierra and Plumas Counties, Stats. 1863, p. 114.

Authorizing J. Bidwell and others to construct wagon road, Stats. 1863, p. 291; 1863-4, p. 185.

Authorizing Board of Supervisors to levy special tax for certain purposes (Special Franchise Fund), Stats. 1863, p. 484.

Creating Lassen County, Stats. 1863-4, p. 264.

Roads and highways in, Stats. 1866, pp. 31, 664; 1870, p. 396.

Canal companies, incorporation Act amended, Stats. 1866, p. 604; 1868, p. 134.

Wagon road franchise to Greenville, Stats. 1866, p. 285.

Franchise to J. C. Church and others for wagon road from La Porte, Stats. 1866, p. 490.

Exempted from provisions of road law, Stats. 1866, p. 381.

To construct wagon roads, Stats. 1866, p. 591; in part repealed by Act, Stats. 1866, p. 480.

Franchise for wagon road to Beckwith Pass, Stats. 1866, p. 491.

For relief of W. L. Bradford, Stats. 1866, p. 620.

To issue bonds in aid of certain wagon roads, Stats. 1866, p. 591.

County Auditors' salary, State's portion, Stats. 1866, p. 834.

Act concerning jurors, Stats. 1868, p. 39.

Indigent sick, Stats. 1868, p. 58.

Relief of J. H. Gates, Stats. 1868, p. 58.

Public and private roads, Stats. 1868, p. 158; 1870, p. 231.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Boundary line, Stats. 1866, p. 605; 1868, p. 462.

To subscribe to Oroville and Virginia City Railroad, Stats. 1868, p. 630; repealed, Stats. 1870, p. 102.

To build certain wagon roads, Stats. 1870, p. 214.

Terms of District Court, Stats. 1870, p. 576.

Franchise to J. Bidwell and others, of wagon road, Act amended, Stats. 1870, p. 621.

For the protection of game, Stats. 1870, p. 853.

To prevent stallions from running at large, Stats. 1870, p. 68.

Wagon road franchise to Bidwell and others, Stats. 1870, p. 621.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CLXXVI.

### PORK, BEEF, AND SALT PROVISIONS.

SECTION 1520. Reference to Acts.

1520.

An Act entitled an Act to create inspectors of pork, beef, and salt provisions in this State, approved April 21st, 1856, p. 232, amended March 22d, 1860, p. 116; was repealed by Act approved February 25th, 1862, p. 26.

Reference  
to Acts.

Office abolished, Political Code, Sec. 7.

## CHAPTER CLXXVII.

## PORT WARDENS.

## SECTION 1521. Reference to Acts.

Reference  
to Acts.

## 1521.

An Act to create Port Wardens for the Cities of San Francisco and Sacramento, and other ports of California, passed April 10th, 1850, p. 196, and

An Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7th, 1851, p. 423, amended February 28th, 1852, p. 136, were repealed by the following Act:

An Act relative to Port Wardens in San Francisco and Sacramento, and other ports of California, approved March 19th, 1853, p. 44.

See Political Code, Secs. 2501 to 2511, inclusive, "PORT WARDENS."

## CHAPTER CLXXVIII.

## POWERS OF ATTORNEY.

## SECTION 1522. Reference to Acts.

Reference  
to Acts.

## 1522.

An Act relating to powers of attorney, approved February 20th, 1864, Stats. 1863-4, p. 100.

The provisions of law relating to powers of attorney, affecting or applicable to real estate, will be found in the Acts concerning conveyances.

See "CONVEYANCES."

## CHAPTER CLXXIX.

## PRACTICE ACT.

## SECTION 1523. Reference to Acts.

Reference  
to Acts.

## 1523.

An Act to regulate proceedings in Courts of Justices of the Peace in civil cases, passed April 10th, 1850, p. 179; and

An Act providing for the collection of demands against vessels and boats, passed April 10th, 1850, p. 189; and

An Act to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace, passed April 11th, 1850, p. 203; and

An Act to regulate proceedings against debtors by attachment, passed April 22d, 1850, p. 412; and Reference to Acts.

An Act respecting set-offs, passed April 22d, 1850, p. 423; and

An Act to regulate proceedings in civil cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court, passed April 22d, 1850, p. 428.

All the foregoing Acts were repealed by an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April 29th, 1851, p. 51.

This Act has been frequently amended as follows: Stats. 1853, p. 276; 1854, p. 84; 1855, pp. 196, 250, 303; 1856, p. 250; 1858, pp. 82, 152; 1859, pp. 39, 139, 155, 218; 1860, pp. 298, 315; 1861, pp. 116, 305, 306, 494, 496, 590; 1862, pp. 38, 88, 119, 562, 567, 568, 672; 1863, pp. 29, 60, 232, 305, 360, 495, 498, 502, 578, 643, 687, 701, 756; 1863-4, pp. 44, 117, 246, 423, 452, 523; 1865-6, pp. 467, 701, 702, 709, 843, 846, 847; 1867-8, pp. 550, 552, 629; 1869-70, pp. 65, 106, 223, 295, 384, 511, 574, 637, 662.

Many other Acts relating to proceedings in Courts of justice in this State were passed, as follows:

#### COSTS IN STATE ACTIONS.

An Act in relation to actions wherein the State is a party, approved May 3d, 1852, p. 160.

An Act to provide for the payment of fees and costs in civil actions by and against counties, approved April 12th, 1859, p. 223, was repealed by the following Act:

An Act concerning suits wherein the State is a party, approved March 28th, 1864; Stats. 1863-4, p. 261.

Amendment to an Act concerning suits wherein the State is a party, approved March 28th, 1864, p. 261, approved February 3d, 1866, p. 49.

#### TRANSFER OF ACTIONS TO OTHER COURTS.

An Act relative to transferring actions and proceedings from one Court to another Court, passed May 6th, 1854, p. 153.

#### TRANSFER OF ACTIONS TO UNITED STATES COURTS.

An Act to provide for certifying and removing certain cases from the Courts of this State to the United States Circuit Courts, and to remove, by writ of error, certain cases from the Supreme Court of this State to the Supreme Court of the United States, approved April 9th, 1855, p. 80.

#### APPEALS.

An Act concerning appeals in certain cases, approved February 16th, 1855, p. 13, was repealed by the following Act:

An Act concerning appeals in certain cases, approved February 14th, 1856, p. 26.

An Act to regulate appeals in this State, approved May 20th, 1861, p. 589.

Section 2 of the foregoing Act was repealed by Act approved April 2d, 1866, p. 843.

Reference  
to Acts.

An Act relating to appeals, approved March 23d, 1864, Stats. 1863-4, p. 223.

An Act to provide for the settlement of statements on appeal, and on motion to set aside reports of Commissioners in certain cases, approved March 9th, 1870, p. 227.

**TENANTS IN COMMON, JOINT TENANTS, AND COPARCENERS.**

An Act concerning tenants in common, joint tenants, and coparceners, approved March 6th, 1857, p. 62.

**POWER OF EX-JUDGES TO SETTLE STATEMENTS, ETC.**

An Act to authorize District Judges in certain cases to sign records and settle statements, approved April 12th, 1859, p. 220.

**ACCORD AND SATISFACTION—DISCHARGE OF INDEBTEDNESS.**

An Act for the relief of debtors, approved February 1st, 1868, p. 31.

**SAN FRANCISCO EXEMPT FROM GIVING UNDERTAKINGS.**

An Act to exempt the City and County of San Francisco from giving undertakings in certain cases, approved May 13th, 1861, p. 350.

**SERVICE IN SAN BERNARDINO COUNTY.**

An Act defining the mode of serving civil process in the County of San Bernardino, approved May 17th, 1861, p. 480.

**DEPOSITIONS IN FOREIGN COUNTRIES.**

An Act to authorize the taking of depositions in foreign countries, approved May 20th, 1861, p. 553.

**TRAITORS AND ALIEN ENEMIES.**

An Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April 25th, 1863, p. 566.

Repeal of the Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April 25th, 1863, p. 566, approved January 16th, 1868, p. 8.

The Act supplementary and amendatory to the Act of 1863, limiting its operation to attorneys and counselors at law, approved April 2d, 1866, p. 853, is included in the above repeal.

**MONEYS DEPOSITED IN COURT.**

An Act concerning moneys deposited in Courts of record of this State, approved April 4th, 1864, Stats. 1863-4, p. 468.

**EJECTMENT UNDER MEXICAN AND SPANISH GRANTS.**

An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases, approved April 2d, 1866, p. 772.

**EXECUTION.**

An Act concerning the libraries of Federal and State Judges, approved March 17th, 1866, p. 271.



An Act to exempt certain property from execution, approved March 12th, 1868, p. 126. Reference to Acts.

An Act to exempt certain property named herein from execution, approved March 28th, 1868, p. 500.

SPECIAL ACTS.

An Act to expedite the settlement of titles to lands held under a common source of title, approved March 14th, 1868, p. 158.

An Act to declare exempt from forced sale under execution, or other process, certain property of the several counties in this State, passed May 1st, 1854, p. 148.

An Act prescribing the manner of commencing and maintaining suits by or against counties, passed May 11th, 1854, p. 194.

See "COUNTIES."

An Act exempting lots in cemeteries and pews in churches from levy and forced sale, approved May 20th, 1861, p. 565.

See "GRAVEYARDS," etc.

An Act for the punishment of contempts and trespasses, approved April 8th, 1862, p. 115.

See "CONTEMPTS AND TRESPASSES."

An Act requiring compensation for causing death by wrongful act, neglect, or default, approved April 26th, 1862, p. 447.

See "DEATH BY WRONGFUL ACT."

An Act conferring jurisdiction upon the State Courts in certain cases arising under the Act of Congress, approved March 6th, 1863, p. 47.

See "COURTS."

An Act to exempt from forced sale certain property, approved February 18th, 1864, Stats. 1863-4, p. 92.

See "SEWING MACHINES."

The Code of Civil Procedure supersedes all the above Acts.

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CHAPTER CLXXX.

PRINTER OF STATE.

SECTION 1524. Reference to Acts.

1524.

An Act to create the office of State Printer and define his duties, passed January 8th, 1850, p. 45; and Reference to Acts.

An Act defining the duties of State Printer and fixing his compensation, passed March 9th, 1850, p. 83; amended March 25th, 1851, p. 305, were repealed by an Act to provide for the public printing, approved April 29th, 1852, p. 113.

This Act was repealed by the following Act:

An Act to create the office of State Printer and define the duties and

Reference  
to Acts.

compensation thereof, and to provide for the time and manner of election, passed May 1st, 1854, p. 142.

Amendment approved May 3d, 1861, p. 279; took effect January 1st, 1862.

Amendment passed April 11th, 1857, p. 194; took effect July 1st, 1857.

An Act to further define the duties of State Printer, approved April 16th, 1859, p. 333.

Amendment to an Act to create the office of State Printer and define the duties and compensation thereof, passed May 1st, 1854, p. 142, approved April 2d, 1866, p. 805.

An Act relative to the publication of official reports, Stats. 1870, p. 359.

See Political Code, Secs. 526 to 537, inclusive, "STATE PRINTER."

The office of State Printer was abolished, and the office of Superintendent of State Printing created, by "An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing," approved March 26th, 1872. The last named Act does not take effect, however, until the first Monday of July, 1875.

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## CHAPTER CLXXXI.

### PRISON OF STATE.

SECTION 1525. Reference to special Acts.

1526. Branch Prison; Board of Directors.

1527. Site of Branch Prison.

1528. Removal of convicts.

1529. Officers of Branch Prison.

1530. Account of Funds.

1531. Prison Fund.

1532. Debts and liabilities not to be contracted.

1533. Site to be located.

Reference  
to special  
Acts.

#### 1525.

An Act providing for securing the State Prison convicts, passed April 25th, 1851, p. 427, was repealed by Act of March 21st, 1856, p. 48.

An Act to provide for the payment of State Prison Inspectors, approved May 3d, 1852, p. 53, was repealed by Act of May 12th, 1853, p. 167.

An Act providing for the erection of a State Prison, approved May 1st, 1852, p. 132, was repealed by the following Act:

An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract, approved May 11th, 1853, p. 155.

An Act in relation to State Prison convicts, approved April 10th, 1852, p. 134.

An Act to authorize the redemption of State Prison bonds, and to dispose of the special Fund heretofore provided for their redemption, passed April 19th, 1854, p. 27. Reference  
to special  
Acts.

An Act to provide for the payment of State Prison Inspectors, approved April 30th, 1855, p. 213.

An Act to provide for the government of the State Prison, approved May 7th, 1855, p. 292.

An Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same, approved January 30th, 1856, p. 18.

See, also, the Acts of April 6th, 1858, p. 113, and April 20th, 1858, p. 181.

An Act creating a Board of State Prison Commissioners and defining their duties, approved March 21st, 1858, p. 48, was repealed by Act of April 19th, 1859, p. 374.

An Act to abolish the office of Directors of the State Prison, approved March 10th, 1857, p. 74.

An Act to provide for the temporary government of the State Prison, and to appropriate money therefor, approved February 26th, 1858, p. 32.

An Act concerning the Board of State Prison Directors, approved April 30th, 1860, p. 341.

An Act to authorize the settlement of the accounts of James M. Estell and John F. McCauley, arising out of State Prison matters, approved April 25th, 1858, p. 339.

An Act to appropriate money for the payment of a certain judgment, rendered against John B. Weller, approved April 16th, 1859, p. 308.

An Act to regulate proceedings in civil actions in certain cases, approved April 18th, 1859, p. 311.

An Act to provide for the settlement of all claims against the State of California, arising out of, or connected with, the contract made on the 26th of March, 1856, between the State and the late James M. Estell, for the lease of the State Prison and convict labor, and to procure the cancellation of said contract and the surrender of the State Prison to the State, approved April 21st, 1860, p. 249.

#### SALE OF LIQUOR NEAR STATE PRISON PROHIBITED.

An Act to prohibit the sale of ardent spirits within two miles of the State Prison, approved April 11th, 1855, p. 108.

#### TRIAL OF ESCAPED CONVICTS.

An Act concerning the escape of convicts of the State Prison, approved April 30th, 1855, p. 203.

#### UNITED STATES PRISONERS.

An Act providing for the confinement of prisoners of the United States, approved February 14th, 1856, p. 29.

An Act supplementary to and amendatory of the foregoing Act of February 14th, 1856, approved January 21st, 1864; Stats. 1863-4, p. 24.

Same.

## TRANSPORTATION OF CONVICTS.

An Act concerning the transportation of prisoners to the State Prison, and to appropriate money for the same, approved April 21st, 1856, p. 226; amendment, approved April 21st, 1858, p. 235.

An Act to authorize the Governor to remove insane persons from the State Prison to the Insane Asylum, approved April 9th, 1857, p. 187.

See "INSANE ASYLUM."

## STATE PRISON LIBRARY.

An Act to provide for the establishment of a State Prison library, approved March 23d, 1859, p. 128.

## PAY OF CORONER AND PHYSICIANS AT STATE PRISON.

An Act for the relief of Marin County, approved April 8th, 1861, p. 121.

An Act concerning conveyances, approved May 6th, 1862, p. 496 (making deeds and other instruments of writing executed by convicts in the State Prison, valid).

See "CONVEYANCES."

An Act to authorize the Attorney General to prosecute certain suits, approved April 25th, 1863, p. 573.

An Act to authorize the Board of State Prison Directors to allow interest on certain claims, approved April 27th, 1863, p. 751.

An Act to provide for the construction of additional cells at the State Prison, approved April 1st, 1864; Stats. 1863-4, p. 320.

An Act to promote the study of anatomy, approved April 4th, 1864; Stats. 1863-4, p. 321 (authorizing the use of the bodies of convicts dying during their term of service in the State Prison, for anatomical investigations).

See "ANATOMY."

An Act to confer further powers upon the Governor of this State, in relation to the pardon of criminals, approved April 4th, 1864; Stats. 1863-4, p. 356.

See "PARDONS."

Several Acts in regard to the condemnation and purchase of certain lands and other property at and adjoining the State Prison grounds, will be found under the head of "MARIN COUNTY."

All Acts relative to a Branch State Prison, are preserved by the Political Code, Sec. 19. The following Acts, therefore, so far as they relate to the Branch Prison, are yet in force:

*An Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison.*

[Approved April 24, 1858, p. 259.]

[Enacting clause.]

1526. SECTION 1. The Governor, Lieutenant Gov-

ernor, and Secretary of State, are hereby constituted a Board of Directors, whose duty it shall be to take charge of the State Prison, at San Quentin, and have the management and control of State Prison convicts.

Branch  
Prison;  
Board of  
Directors.

[Sections 2, 3, 4, and 5, were general in their character, and are superseded by the Political Code. They provided that the Board of Directors should take possession and charge of the State Prison, have exclusive charge thereof, appoint Clerk, Warden, etc., and prescribed the duty of the Clerk, etc.]

1527. SEC. 6. The Board of Directors are hereby empowered to select a suitable place for the location of a branch of the State Prison, and when such location shall be made, and it shall be on the property of any private citizen, the Board shall purchase the same, and cause a good and sufficient deed thereof to be made to the State.

Site of  
Branch  
Prison.

1528. SEC. 7. Whenever a site shall be chosen for a Branch Prison, as provided for in this Act, and the property shall be duly conveyed to the State, the Board shall, as soon as practicable, cause such a number of convicts as they may deem proper—first selecting those whose term of imprisonment is about to expire—to be removed from the State Prison at San Quentin to the said branch site.

Removal of  
convicts.

1529. SEC. 8. The convicts removed to the Branch Prison, pursuant to this Act, shall be given in charge of such officers as the Board may appoint for that purpose, and shall be subject to the general rules and regulations adopted for the government of the State Prison convicts.

Officers of  
Branch  
Prison.

1530. SEC. 9. The Board shall keep a correct account of all funds they may receive from proceeds of convict labor, and shall appropriate such funds for

Account  
of Funds.

**Same.** the maintenance of the convicts, and to pay any expenses that may accrue in the performance of the requirements of this Act, and shall make a full and detailed report to the Legislature on the first day of February, eighteen hundred and fifty-nine; said report to contain a complete statement of the number and condition of the State convicts, both at the State Prison and the Branch Prison; the number and character of officers they may have appointed, and the monthly pay received by each; the amount of expenses they have incurred, and for what; the amount and condition of personal property belonging to the State, connected with the State Prison; and the actual condition of the buildings and property, both at San Quentin and the Branch Prison.

[Section 10 was also general in its character, providing for compensation of Directors.]

**Prison  
Fund.**

1531. SEC. 11. Seventy-five thousand dollars are hereby appropriated; which, together with the proceeds received from convict labor, shall constitute a Prison Fund, and shall be applied to the payment of all expenses allowed by this Act; nothing in this Act shall be subject to the operations of an Act to provide for the better protection of the State Treasury, approved April sixteenth, one thousand eight hundred and fifty-six; but no warrant shall be by the Controller drawn upon the appropriation hereby made until the order of the Directors shall be indorsed by the Treasurer, Attorney General, and Controller, or two of them, who are hereby constituted a Board of Examiners of State Prison accounts.

**Debts and  
liabilities  
not to be  
contracted.**

1532. SEC. 12. The Board of Directors created by this Act are prohibited from creating any debt or liabilities.

[Section 13 was general in its character, and pro-

vides that the former lessee of the State Prison may remove his private property.]

SEC. 14. All laws and parts of laws that conflict with this Act are hereby repealed.

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*An Act supplementary to an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.*

[Approved March 30, 1868, p. 627.]

[Enacting clause.]

1533. SECTION 1. It shall be the duty of the State Prison Directors of this State, on or before the first day of July, A. D. eighteen hundred and sixty-eight, to make the selection and location of the site for a Branch State Prison, and to cause a good and sufficient deed of the land so selected to be made to the State of California, as provided for in section six of the Act to which this is supplemental. Said site and location shall be made either in the Township of Rocklin, in Placer County, or on the lands offered to the State by the Natoma Water and Mining Company, in Granite Township, Sacramento County, as said Board shall determine, selecting between those sites the place which offers the greatest advantages for prison purposes.

Site to be  
located.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

An Act concerning the insane convicts at the State Prison, approved March 12th, 1868, p. 141.

## CHAPTER CLXXXII.

## PROBATE ACT.

## SECTION 1534. Reference to Acts.

Reference  
to Acts.

## 1534.

An Act to regulate the settlement of the estates of deceased persons, passed April 22d, 1850, p. 377, was repealed by the following Act:

An Act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851, p. 448.

This Act has been frequently amended as follows: Stats. 1851, p. 448; 1855, pp. 132, 299; 1856, p. 93; 1858, p. 105; 1860, pp. 17, 357; 1861, p. 628; 1863, pp. 23, 27; 1863-4, p. 367; 1865-6, pp. 328, 765, 850; 1867-8, pp. 172, 628; 1869-70, pp. 400, 636, 793.

Two supplementary Acts to the Act of May 1st, 1851, were passed as follows (one approved April 2d, 1866, p. 765; the other approved April 4th, 1870, p. 793):

An Act to give to the proceedings of Courts of Probate the same effect as Courts of general jurisdiction, approved March 27th, 1858, p. 95.

See "COURTS."

An Act concerning the office of Public Administrator, and making it elective, passed April 15th, 1851, p. 206; duplicated, p. 414.

Amendment approved April 4th, 1854, p. 28.

Amendment approved May 17th, 1861, p. 481.

Amendment approved March 20th, 1860, p. 805.

Amendment approved May 7th, 1855, p. 298.

An Act requiring County Treasurers and Public Administrators to settle their accounts, approved May 18th, 1853, p. 210.

See "TREASURERS OF COUNTY."

An Act concerning Public Administrators, approved April 11th, 1859, p. 213.

An Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February 7th, 1860, p. 16.

An Act in relation to probate sales, approved April 2d, 1866, p. 824.

An Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons, approved March 22d, 1866, p. 359.

An Act concerning the office of Public Administrator for the County of San Francisco, and making it elective, passed March 8th, 1851, p. 318.

An Act concerning the official bonds of Public Administrator and Coroner in the County of Yolo, approved February 25th, 1858, p. 28.

An Act concerning the office of Public Administrator in the County of Marin, approved February 1st, 1868, p. 27.

An Act concerning the office of Public Administrator in Napa County, approved January 12th, 1870, p. 5.



An Act concerning Coroners in the Counties of San Luis Obispo and Santa Barbara, approved April 14th, 1858, p. 156. Reference to Acts.

An Act to abolish the office of Public Administrator in and for the Counties of Tuolumne and Santa Barbara, approved April 18th, 1859, p. 336.

An Act to legalize the acts of the Public Administrator of the County of Yolo, approved April 18th, 1860, p. 207.

An Act to provide for Public Administrator in certain counties, approved March 13th, 1862, p. 43.

Amendment approved February 21st, 1863, p. 23.

An Act to provide for Public Administrator in Tulare County, approved April 22d, 1863, p. 402.

An Act concerning the official bond of Public Administrator in the County of San Bernardino, approved April 25th, 1863, p. 571.

An Act to fix the amount of the official bond of the Public Administrator of the County of El Dorado, approved January 30th, 1864, Stats. 1863-4, p. 36.

An Act concerning the fees of Public Administrator, passed April 28th, 1851, p. 525.

An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April 5th, 1856, p. 80.

Amendment approved April 13th, 1859, p. 234.

An Act concerning the office of Public Administrator in the Counties of Shasta and Trinity, approved April 4th, 1864, Stats. 1863-4, p. 480.

Bonds of Public Administrator of the Counties of Klamath and Del Norte fixed at two thousand dollars; Act approved March 26th, 1868, p. 349; amended by Act approved February 3d, 1870, p. 48.

District Attorney to be ex officio Public Administrator in the County of Sierra.

Coroner to be ex officio Public Administrator in Inyo County; Act to create Inyo County, Stats. 1866, p. 355.

Coroner to be ex officio Public Administrator in Kern County; Act to create Kern County, Stats. 1866, p. 796.

The Code of Civil Procedure supersedes all the above Acts.

## CHAPTER CLXXXIII.

### PUBLIC ADMINISTRATOR.

SECTION 1535. Fees of Public Administrator.

1536. Same in Nevada, Sacramento, Monterey, Amador, Yolo, and Placer Counties.

1537. Same in Shasta and Trinity Counties.

1538. Reference to special Acts.

*An Act concerning the fees of Public Administrator.*

[Passed April 28, 1851, p. 525.]

[Enacting clause.]

Fees of  
Public  
Admin-  
istrator.

1535. SECTION 1. The fees of Public Administrators shall be four per cent upon the amount of the estates administered by them, which percentage shall be the only compensation allowed for their services.

*An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador.*

[Approved April 5, 1856, p. 80.]

[Enacting clause.]

Same in  
Nevada,  
Sacra-  
mento,  
Monterey,  
Amador,  
Yolo, and  
Placer  
Counties.

1536. SECTION 1. The Public Administrator of the Counties of Nevada, Sacramento, Monterey, Amador, Yolo, and Placer, shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. (Amendment approved April 13th, 1859, p. 234.)

*An Act concerning the office of Public Administrator in the Counties of Shasta and Trinity.*

[Approved April 4, 1864; Stats. 1863-4, p. 480.]

[Enacting clause.]

Same in  
Shasta and  
Trinity  
Counties.

1537. SECTION 1. The Public Administrator in the Counties of Shasta and Trinity shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act enti-

tled an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one.

SEC. 2. This Act shall take effect from and after its passage.

### 1538.

An Act concerning the office of Public Administrator in the County of Marin, approved February 1st, 1868, p. 27. Reference  
to special  
Acts.

An Act concerning the office of Public Administrator in Napa County, approved January 12th, 1870, p. 5.

#### SPECIAL PROVISIONS IN ACTS REFERRED TO.

Bonds of Public Administrator of the Counties of Klamath and Del Norte fixed at two thousand dollars; Act approved March 26th, 1868, p. 349; amended by Act approved February 3d, 1870, p. 48.

District Attorney to be ex officio Public Administrator in the County of Sierra.

Coroner to be ex officio Public Administrator in Inyo County; Act to create Inyo County, Stats. 1866, p. 355.

Coroner to be ex officio Public Administrator in Kern County; Act to create Kern County, Stats. 1866, p. 796.

As to fees and compensation of Public Administrators, consult "FEES;" see, also, under the various counties, "REFERENCES TO SPECIAL AND LOCAL ACTS."

See Political Code, Sec. 4303.

See, also, "PROBATE ACT."

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## CHAPTER CLXXXIV.

### RAILROADS.

SECTION 1539. Counties may subscribe for stock of railroads.

1540. To be submitted to electors; to take effect.

1541. No bonds to issue until takes effect.

#### CENTRAL PACIFIC RAILROAD.

1542. Reference to special legislation for road.

1543. Right of way.

1544. Preamble to Act authorizing construction of road.

1545. Company authorized to issue bonds, etc.

1546. Tax levied to pay interest on bonds.

1547. State Treasurer to keep record of money collected.

1548. Conditions of the grant.

## SECTION 1549. Appropriation.

1550. Repeal of former Acts.

1551. Rights, powers, and privileges granted to the Central Pacific Railroad Company.

1552. Further reference to special Acts.

## GENERAL PROVISIONS.

*An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.*

[Approved April 4, 1870, p. 746.]

[Enacting clause.]

Counties  
may  
subscribe  
for stock of  
railroads.

1539. SECTION 1. The several counties, including the City and County of San Francisco, are hereby authorized to aid in the construction of railroads by the issue of county bonds, bearing interest at the rate of not exceeding seven per cent per annum, and payable within twenty years from the date of their issue, and to provide by taxation for the payment of the interest and principal of said bonds; *provided*, that the whole amount of said bonds herein authorized to be issued shall not exceed five per cent of the value of the taxable property of such county, or city and county, according to its valuation on the assessment roll last preceding the time of the issue of said bonds.

To be  
submitted  
to electors.

1540. SEC. 2. Before the granting of such aid, the Board of Supervisors of the county, or city and county, proposing to grant such railroad aid, shall submit to the qualified electors of said county, or city and county, at an election, of which election at least thirty days notice shall be given, by publication once a week in a newspaper published in said county, the question whether such railroad aid shall be granted, in which notice the day on which and the places where such election is to be held shall be stated; and the route for which aid is proposed to be granted shall be definitely described, and the amount of bonds to be

issued shall be stated. All elections authorized under this Act shall be conducted in the same manner as elections for State and county officers. No aid to railroads shall be granted, unless a majority of the electors voting at such election shall cast their votes in favor of such aid.

SEC. 3. This Act shall take effect and be in force from and after its passage. To take effect.

*An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties, approved April fourth, eighteen hundred and seventy.*

[Approved April 4, 1870, p. 744.]

[Enacting clause.]

1541. SECTION 1. No bonds shall be issued by the Supervisors of any county, in aid of the construction of a railroad, until at least five miles of such railroad shall have been constructed, and then only in such an amount as the distance of railroad constructed shall bear to the whole amount of aid to be granted. At the time of the issue of such bonds, the amount of county indebtedness then outstanding and incurred, by granting aid in the construction of railroads, shall be deducted from the amount of bonds authorized to be issued by the provisions of the Act to which this Act is supplemental. No bonds to issue until takes effect.

SEC. 2. This Act shall take effect from and after its passage.

#### CENTRAL PACIFIC RAILROAD.

1542.

The legislation in regard to the Atlantic and Pacific Railroad will be found in the various Acts given or referred to as follows: Reference to special legislation for road.

To grant right of way to the United States for railroad purposes, Stats. 1852, p. 150; see Act given below. Extending time for construction of certain railroads, Stats. 1855, p. 144.

Authorizing Board of Trustees of San Diego to convey to San Diego

Reference  
to special  
legislation  
for road.

and Gila Southern Pacific and Atlantic Railroad Company two leagues of the pueblo lands, to aid in construction thereof, Stats. 1855, p. 206.

Resolution calling a Convention to meet at San Francisco, September 20th, 1859, and to adopt measures whereby the building of the road could be accomplished, Stats. 1859, p. 391.

Memorial asking Congress to pass a law authorizing the construction of a Pacific Railroad, etc., Stats. 1859, p. 395.

Act to pay expenses of Pacific Railroad Convention, Stats. 1860, p. 33.

Concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend time of performing certain acts, Stats. 1861, p. 270.

Resolution asking Congress to cede to State the odd sections of public lands within the State for railroad purposes, Stats. 1861, p. 678.

Authorizing Supervisors of San Joaquin to subscribe to Western Pacific Railroad Company, Stats. 1863, p. 80.

Authorizing County of Placer to subscribe to Central Pacific Railroad Company, Stats. 1863, p. 145.

Authorizing Supervisors of Santa Clara to subscribe to Western Pacific Railroad Company, Stats. 1863, p. 276.

Granting certain rights to Central Pacific Railroad Company (rights in Sacramento County), Stats. 1863, p. 288.

Authorizing relocation of route of Central Pacific Railroad Company, Stats. 1863, p. 320.

Authorizing Supervisors of San Francisco to subscribe to Western Pacific Railroad Company and Central Pacific Railroad Company, Stats. 1863, p. 380.

Authorizing Sacramento to subscribe to Central Pacific Railroad Company, Stats. 1863, p. 447.

To aid construction of Central Pacific Railroad, Stats. 1863, p. 465; repealed by new Act, Stats. 1863-4, p. 344.

Authorizing Sacramento, Placer, and Nevada Railroad Company to sell their road to Central Pacific Railroad Company, Stats. 1863, p. 749.

To aid construction of Central Pacific Railroad Company, etc., Stats. 1863-4, p. 344; see this Act given below.

Conferring power upon Supervisors of San Francisco to settle claims of Western Pacific Railroad Company and Central Pacific Railroad Company, Stats. 1863-4, p. 388.

To aid in carrying out provisions of Pacific Railroad and Telegraph Act of Congress, etc., Stats. 1863-4, p. 471; see this Act, given below.

Of these Acts, the following three, being of a general character, are given:

*An Act to grant the right of way to the United States for railroad purposes.*

[Approved May 1, 1852, p. 150.]

1543. WHEREAS, The interests of this State, as

well as those of the whole Union, require the immediate action of the Government of the United States for the construction of a national thoroughfare connecting the navigable waters of the Atlantic and Pacific Oceans, for the purposes of national safety, in the event of war, and to promote the highest commercial interests of the Republic; therefore,

Right  
of way.

[Enacting clause.]

SECTION 1. The right of way through this State is hereby granted to the United States for the purpose of constructing a railroad from the Atlantic to the Pacific Ocean.

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*An Act to aid in the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto.*

[Approved April 4, 1864: Stats. 1863-4, p. 344.]

1544. WHEREAS, War now exists and is in immediate and vigorous prosecution between the Government of the United States and certain States which have revolted against its authority; and, whereas, the Congress of the United States has, for military and other purposes, granted aid for the construction of the Central Pacific Railroad, which aid is insufficient to complete the work as speedily as is necessary; and, whereas, it is important, in view of the present state of war and the further [future] danger thereof, that the said railroad be constructed as soon as possible to repel invasion, suppress insurrection, and defend the State against its enemies; therefore,

Preamble  
to Act  
authorizing  
construction  
of road

[Enacting clause.]

1545. SECTION 1. The Central Pacific Railroad Company of California, a corporation duly organized

Company  
authorized  
to issue  
bonds, etc.

under the laws of this State for the construction of a railroad from the City of Sacramento to the eastern boundary line of this State, and one of the railroad companies to which said Congressional aid has been extended, is hereby authorized and empowered to execute and issue, at any time hereafter, the bonds of said company in sums of one thousand dollars each, bearing interest at a rate not exceeding seven per cent per annum, commencing on the first day of July, eighteen hundred and sixty-four, and payable on the first day of January, eighteen hundred and sixty-five, and on the first days of July and January of each year thereafter; the interest on the first fifteen hundred of said bonds, numbering from one to fifteen hundred, inclusive, to be made payable at the State Treasury, and on the remainder of said bonds to be made payable at such place or places and in such manner as said company may deem proper; said bonds to be executed and issued to an amount not exceeding twelve millions of dollars, payable not exceeding twenty years from the first day of January, A. D. eighteen hundred and sixty-five, and said bonds to be secured by one or more mortgages on the railroad, rolling stock, buildings, machinery, fixtures, and corporate franchises of said company. The principal and interest of said bonds to be payable in United States gold coin; *provided*, that said bonds shall contain an express condition that the Counties of Placer, Sacramento, and the City and County of San Francisco, shall be exempt from all liability as stockholders for the payment of the principal or interest upon all of said bonds over and above the stock of said counties heretofore subscribed to the capital stock of said company.

1546. SEC. 2. To expedite the construction of said railroad for the reasons set forth in the preamble to this Act, there shall be levied and collected, in the



year eighteen hundred and sixty-four, and annually thereafter, until the expiration of the time for the payment of said bonds, in the same manner as other State revenue is or may be collected, a tax of eight cents on each one hundred dollars of the taxable property in the State, in addition to other taxes, the same to be paid in the gold and silver coin of the United States, and the moneys to be derived from such tax shall be and is hereby appropriated and set aside to constitute a separate Fund, to be known as the "Pacific Railroad Fund," out of which Fund the coupons for interest on said fifteen hundred bonds hereinbefore described shall be paid as they may fall due and be presented for payment from time to time for said period of twenty years, and on payment thereof said coupons shall be taken up and canceled by the State Treasurer; and if at any time there should not be a sufficient sum of money in said Fund to pay said interest when due, then an amount sufficient to make up such deficiency shall be taken from the General Fund for that purpose, or the State Treasurer shall make such other contracts and arrangements as may be necessary to make up such deficiency; and whenever on the first day of July of any year there shall remain a surplus in said Fund after the payment of the interest on said bonds, as hereinbefore provided, such surplus shall be paid into the General Fund.

Tax levied  
to pay  
interest on  
bonds.

1547. SEC. 3. A full and particular account and record shall be kept by the State Treasurer, of the condition of said Pacific Railroad Fund, and the moneys collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and of any committee appointed by the Legislature or either branch thereof.

State  
Treasurer  
to keep  
record  
of money  
collected.

1548. SEC. 4. The said grant to said company is made upon the express condition and consideration

Conditions  
of the  
grant.

that said company shall and do, at all times when required from and after the passage of this Act, transport and convey over their said railroad, all public messengers, convicts going to the State Prison, lunatics going to the State Insane Asylum, materials for the construction of the State Capitol building, articles intended for public exhibition at the fairs of the State Agricultural Society, and in cases of war, invasion, or insurrection, as well as at all other times, also transport and convey over their said railroad all troops and munitions of war belonging to the State of California, free of charge, and without any other compensation than as herein provided; and shall also construct and equip, in running order, at the rate of not less than twenty consecutive miles of their said railroad each year hereafter, including that portion of said railroad now partially completed, until the same is fully completed and equipped; and shall also, within ninety days from the passage of this Act, file in the office of the Secretary of State a contract or agreement, duly signed by the President and Secretary of said company, and sealed with the corporate seal thereof, therein and thereby agreeing to faithfully do and perform and fully comply on the part of said company with all the terms and conditions set forth in this section, and therein also releasing all claim to the warrants provided to be issued by the Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, upon the filing of which agreement and release the said Act shall be repealed; and also agreeing therein that said company shall, within ninety days after the receipt of a patent therefor from the United States, execute, acknowledge, and deliver to the State of California a deed in fee simple for the conveyance of the south half of section nineteen, in

township eleven north, of range seven east, Mount Diablo meridian, situated in Placer County, on said railroad, and about twenty-two miles from Sacramento, with all the granite and granite quarries thereon; excepting and reserving therefrom, however, a tract or strip of land four hundred feet wide, and running across said half section, each one half thereof lying on each side of the line running along the center of the main railroad track of said company. And in case said company shall fail and refuse to do and perform the said conditions and the said agreement on their part, the said company shall be liable to repay to the State the amount which shall have been paid by the State under this Act. Same.

1549. SEC. 5. The several sums of money necessary for the payment required to be made under the provisions of this Act are hereby appropriated from the said Funds, and from the State Treasury, for said several purposes, and the State Treasurer is hereby directed to pay the same as provided by this Act; and this Act, and the appropriations under the same, shall not be subject to the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight. Appropriation.

1550. SEC. 6. The Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed. Repeal of former Acts.

SEC. 7. This Act shall take effect and be in force from and after its passage.

*An Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto.*

[Approved April 4, 1864; Stats. 1863-4, p. 471.]

[Enacting clause.]

Rights,  
powers,  
and  
privileges  
granted to  
the Central  
Pacific  
Railroad  
Company.

1551. SECTION 1. WHEREAS, By the provisions of an Act of Congress entitled an Act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two, the Central Pacific Railroad Company of California is authorized to construct a railroad and telegraph line in the State of California, and in the Territories lying east of said State, towards the Missouri River; therefore, to enable the said company more fully and completely to comply with and perform the provisions and conditions of said Act of Congress, the said company, their successors and assigns, are hereby authorized and empowered, and the right, power, and privilege is hereby granted to, conferred upon, and vested in them, to construct, maintain, and operate the said railroad and telegraph line, not only in the State of California, but also in the said Territories lying east of and between said State and the Missouri River, with such branches and extensions of said railroad and telegraph line, or either of them, as said company may deem necessary and proper; and, also, the right of way for said railroad and telegraph line over any lands belonging to this State, and on, over, and along any streets, roads, highways, rivers, streams, water, and watercourses, but the same to be so constructed as not to obstruct or destroy the passage or navigation of the same; and, also, the right to condemn and appropriate to the use of said company such

private property, rights, privileges, and franchises as **Same.** may be proper, necessary, or convenient for the purposes of said railroad and telegraph, the compensation therefor to be ascertained and paid under and by special proceedings, as prescribed in the Act providing for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the Acts supplementary and amendatory thereof; said company to be subject to all the laws of this State concerning railroad and telegraph lines, except that messages and property of the United States, of this State, and of the said company, shall have priority of transportation and transmission over said line of railroad and telegraph; hereby confirming to and vesting in said company all the rights, privileges, franchises, power, and authority conferred upon, granted to, or vested in said company by said Act of Congress; hereby repealing all laws and parts of laws inconsistent or in conflict with the provisions of this Act, or the rights and privileges herein granted.

SEC. 2. This Act shall take effect and be in force from and after its passage.

### 1552.

An Act to authorize all the counties south of Santa Clara County to aid in the construction of the Southern Pacific Railroad, approved April 2d, 1866, p. 816. **Further reference to special Acts.**

To legalize and confirm contract made between Supervisors of Santa Clara County and the Western Pacific Railroad Company, bearing date the 28th of March, 1865, approved March 3d, 1866, p. 157.

An Act to provide terminal depot grounds for the Terminal Pacific Railway Company, approved March 28th, 1868, p. 473, and an Act amendatory and supplementary thereto, approved March 31st, 1870, p. 325.

To extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company to make the terminus of their roads in the City and County of San Francisco, approved April 2d, 1870, p. 669.

To aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company, approved April 4th, 1870, p. 883.

Repeal of an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other mat-

ters relating thereto, approved April 4th, 1864, p. 357; approved March 27th, 1868, p. 404.

Political Code, Sec. 19, continues in force "An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties," approved April 4th, 1870; and an Act supplemental to the foregoing Act, approved April 4th, 1870.

The Act incorporating the Central Pacific Railroad and making certain grants to them, is also given, because of its general character and public importance.

## CHAPTER CLXXXV.

### RECORDER OF COUNTY.

#### SECTION 1553. Reference to Acts.

Reference  
to Acts.

#### 1553.

An Act establishing Recorders' offices, and defining the duties of the Recorder and County Auditor, passed April 4th, 1850, p. 151, was repealed by Act of March 26th, 1851, p. 199.

An Act concerning the transfer of certain records, conveyances, and papers, passed April 13th, 1850, p. 218.

An Act concerning County Recorders, passed March 26th, 1851, p. 199.

Amendments of Act of May 3d, 1852, p. 165, which provided that the election and term of office of Recorders in those counties should be governed by Sec. 14 of an Act concerning offices, approved April 28th, 1851. The Revenue Act of May 17th, 1861, p. 419, also made provision for the election and terms of Recorders. See, also, the Act concerning offices, of April 22d, 1863, p. 386, and the Act of April 4th, 1864, Stats. 1863-4, p. 395.

Amendment approved March 16th, 1863, p. 58.

Amendment approved May 3d, 1852, p. 165.

For Acts authorizing the County Recorders and deputies to take acknowledgments, and Acts legalizing acknowledgments taken by them, See "CONVEYANCES."

For Acts legalizing certain statements under the Possessory Act of April 20th, 1852, made before Recorders,

See "SETTLERS."

An Act to legalize and amend the county records in the counties of this State, approved April 15th, 1858, p. 171.

See "SUPERVISORS."

An Act to provide for recording notices of claims to private land grants in this State, approved April 27th, 1860, p. 272.

See "EVIDENCE."

An Act for the purchase and preservation of public newspapers printed

and published in the several counties of this State, approved April 8th, 1862, p. 141 (requiring Recorders to subscribe for, receive, and preserve certain newspapers). Reference to Acts.

See "NEWSPAPERS."

An Act to regulate the recording to stamped instruments of writing, approved January 15th, 1864, Stats. 1863-4, p. 14.

See "CONVEYANCES."

An Act to provide for Recorders and Auditors in certain counties in this State and to legalize the acts of certain officers, approved March 18th, 1864, Stats. 1863-4, p. 187.

See "OFFICES."

An Act concerning the offices of Clerk and Recorder, approved April 4th, 1864, Stats. 1863-4, p. 395.

See "OFFICES."

In addition to the foregoing Acts there have been various special Acts concerning records in particular counties, legalizing or curing defects in them. These Acts are noticed and referred to under the heads of the counties to which they relate.

An Act supplementary to the Act of March 26th, 1851, p. 199, concerning County Recorders, approved April 2d, 1866, p. 813.

An Act to provide for the recording of certified copies of final decrees of partition of real estate, approved April 4th, 1870, p. 798.

Political Code, Secs. 4234 to 4246, inclusive, "RECORDER," many duties are imposed on County Recorder. Consult index to Political Code.

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## CHAPTER CLXXXVI.

### REFORM SCHOOL OF STATE.

SECTION 1554. Reference to Acts.

#### 1554.

An Act for the establishment and erection of a State Reform School, approved April 14th, 1859, p. 235. Reference to Acts.

An Act for the erection of a building for a State Reform School, and for the regulation of the same, approved April 18th, 1860, p. 200.

Amendment approved April 27th, 1863, p. 731; took effect from passage.

An Act defining further powers and duties of the trustees, or managers of the State Reform School, and the managers of the Industrial School Department of San Francisco, approved May 20th, 1861, p. 591.

An Act to provide for the inmates of the State Reform School, approved March 30th, 1868, p. 683.

## REPORTERS OF DISTRICT COURTS.

## CHAPTER CLXXXVII.

## REGISTRAR OF STATE.

## SECTION 1555. Reference to Acts.

Reference  
to Acts.

## 1555.

An Act providing for the registration of marriages, births, divorces, and deaths in California, approved April 26th, 1858, p. 342; amended March 12th, 1859, p. 102, was repealed by Act of April 27th, 1860, p. 280.

## CHAPTER CLXXXVIII.

## REPORTER OF SUPREME COURT.

## SECTION 1556. Reference to Acts.

Reference  
to Acts.

## 1556.

An Act concerning the office of Reporter, passed April 13th, 1850, p. 216; amended May 3d, 1854, p. 151, was repealed by the following Act:

An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April 19th, 1856, p. 196.

Amendment approved April 27th, 1863, p. 738.

An Act to provide for the correct report and publication of the decisions of the Supreme Court, approved March 17th, 1860, p. 104.

An Act to provide for the report and publication of certain decisions of the Supreme Court, approved April 25th, 1860, p. 264.

An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved March 31st, 1870, p. 516.

See Political Code, Secs. 767 to 781, inclusive, "REPORTERS OF THE SUPREME COURT."

## CHAPTER CLXXXIX.

## REPORTERS OF DISTRICT COURTS.

## SECTION 1557. Reference to Acts.

Reference  
to Acts.

## 1557.

An Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May 17th, 1861, p. 497.



Amendment approved April 4th, 1864; Stats. 1863-4, p. 521; took effect from passage. Reference to Acts.

Amendment approved April 17th, 1862, p. 253.

An Act concerning District Court Reporters, approved March 13th, 1866, p. 232.

Amendment approved March 28th, 1868, p. 455; took effect immediately.

The provisions of the above Act were made applicable to the Second Judicial District of this State; *provided*, that no more than two hundred dollars shall be drawn from the County Treasury of each of the several counties in said judicial district in any one year for said Reporter, Stats. 1868, p. 668.

The provisions were likewise extended and made applicable to the Fifth, Fourteenth, and Seventeenth Judicial Districts of this State, Stats. 1870, p. 330.

Code of Civil Procedure, Secs. 269 to 271, inclusive, "OF PHONOGRAPHIC REPORTERS."

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## CHAPTER CXC.

### REPORTERS OF COUNTY COURTS.

SECTION 1558. Reference to Acts.

#### 1558.

An Act providing for the appointment of phonographic reporters in certain cases, approved March 18th, 1870, p. 325. Reference to Acts.

An Act to provide for the appointment of phonographic reporters in certain counties in this State, approved March 28th, 1868, p. 425.

Code of Civil Procedure, Secs. 269 to 271, inclusive, "OF PHONOGRAPHIC REPORTERS."

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## CHAPTER CXCI.

### REVENUE.

SECTION 1559. Reference to Acts.

#### 1559.

The Code supersedes all the various Revenue Acts. By reference to the following repealed Acts the reader will see how confused the legislation was in regard to the matter before the passage of the Codes. Reference to Acts.

The early Revenue Acts, which applied to the State at large, were as follows:

Reference  
to Acts.

An Act defining the amount of revenue to be collected to defray the expenses of the government of the State of California for the year 1850, passed February 25th, 1850, p. 65.

This Act, the first passed in regard to the reveque, authorized the levy of a tax of fifty cents on each one hundred dollars' worth of taxable property, and a poll tax of five dollars.

An Act prescribing the mode of assessing and collecting public revenue, passed March 30th, 1850, p. 135; amended April 17th, 1850, p. 253, and March 25th, 1851, p. 165, was repealed by Act of April 23d, 1852, p. 18.

An Act prescribing the mode of assessing and collecting public revenue, passed May 1st, 1851, p. 153, was repealed by Act of April 23d, 1852, p. 18, and also in part by Act of May 4th, 1852, p. 90.

An Act to provide for levying, assessing, and collecting public revenue, approved April 23d, 1852, p. 18, which was explained by Act of January 22d, 1853, p. 19, and by Act of March 1st, 1853, p. 31, was repealed by Act of May 18th, 1853, p. 233, and by Act of May 15th, 1854, p. 103.

An Act to provide revenue for the support of the government of this State, approved May 18th, 1853, p. 233, was repealed by Act of May 15th, 1854, p. 103, and again in part by Act of May 15th, 1854, p. 241, and again in part (if not then already entirely repealed) by Act of March 6th, 1857, p. 67.

An Act to provide revenue for the support of the government of this State, passed May 15th, 1854, p. 103.

This Act, with its amendatory Acts of April 17th, 1855, p. 120; April 27th, 1855, p. 172; April 9th, 1856, p. 116 (which was repealed by Act of April 29th, 1857, p. 325); April 19th, 1856, p. 191, and March 25th, 1857, p. 94, was repealed partly by Act of April 29th, 1857, p. 325, and again more fully by Act of May 17th, 1861, p. 419, Sec. 115, with the exception of from Sec. 26 to Sec. 39, inclusive. The latter Act, however, did not apply, except for certain purposes, to the City and County of San Francisco, and the question how far and how much of this Act of May 15th, 1854, was not repealed, was one of the most intricate in the statutory law of the State, before the adoption of the Codes.

An Act to provide revenue for the support of the government of this State, approved April 29th, 1857, p. 325; amended, or more or less affected, by Acts of April 30th, 1857, p. 357; February 27th, 1858, p. 31; March 11th, 1858, p. 57; April 12th, 1858, p. 137 (repealed by Act of February 16th, 1859, p. 31); April 13th, 1858, p. 145; April 17th, 1858, p. 176; April 24th, 1858, p. 262; March 7th, 1859, p. 94; April 8th, 1859, p. 179; April 18th, 1859, p. 352, and April 27th, 1860, p. 279, was repealed as to all the State, except the City and County of San Francisco, by Act of May 17th, 1861, p. 419.

The Act, with the amendments, is referred to under the head of "REVENUES IN SAN FRANCISCO CITY AND COUNTY."

An Act to provide revenue for the support of the government of this State, approved April 30th, 1860, p. 365; amended March 15th, 1861, p. 56; April 17th, 1861, p. 178; April 19th, 1861, p. 206; April 23d, 1861,

- p. 222, and May 2d, 1861, p. 270, was repealed by the Act of May 17th, 1861, p. 419. Reference to Acts.

REVENUE IN COUNTIES OTHER THAN SAN FRANCISCO.

Before the passage of the Code, the following Act applied to all counties of the State, but not to San Francisco, except for certain purposes:

An Act to provide revenue for the support of the government of this State, approved May 17th, 1861, p. 419.

REVENUE IN SAN FRANCISCO CITY AND COUNTY.

The Act of May 17th, 1861, applied only for certain purposes to the City and County of San Francisco, and there such portions of the Acts of May 15th, 1854, p. 103, and April 29th, 1857, p. 325, as had not or have not been repealed or superseded by other Acts.

An Act to provide revenue for the support of the government of this State, passed May 15th, 1854, p. 103.

Revenue Act applicable to State at large, passed May 15th, 1854, p. 103.

AMENDMENTS TO GENERAL LAWS.

Amendments to an Act to provide revenue for the support of the government of this State, approved May 17th, 1861, p. 419.

Amendment approved February 29th, 1868, p. 82; took effect from passage; not to apply to City and County of San Francisco.

• Amendment approved March 30th, 1868, p. 674.

This amendment virtually repealed all exemption of property from taxation as enumerated in the original section, and in the amendment thereto, approved April 2d, 1866, p. 802.

Repeal of section second of the Revenue Act, approved April 29th, 1857, p. 325, and of the first section of the Act amendatory thereto, approved April 19th, 1859, p. 343; approved April 2d, 1866, p. 803.

Amendment approved March 30th, 1868, p. 674.

This amendment supersedes that of February 29th, 1868, p. 82.

Amendment approved March 31st, 1866, p. 607.

Amendment approved April 2d, 1866, p. 660; took effect from passage.

Amendment approved March 28th, 1870, p. 423; took effect from passage.

AUCTIONEERS.

Amendment to an Act to provide for licensing auctioneers, approved April 18th, 1850, p. 352; approved March 14th, 1870, p. 306.

FOREIGN INSURANCE COMPANIES.

Sections seven and eight of the Act to tax and regulate foreign insurance companies, approved April 15th, 1862, p. 243, was amended by an Act to create the office of Insurance Commissioner, approved March 26th, 1868, p. 336, and sections four, five, and six of an Act amendatory and supplementary thereto, approved March 2d, 1864, p. 131, was repealed, 1868, p. 341.

## RATE OF TAXATION.

### FOREIGN MINERS' TAX.

An Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally, approved March 16th, 1868, p. 172.

### STAMP TAXES.

An Act supplementary to the various Acts imposing and regulating stamp duties in this State, approved March 31st, 1866, p. 533.

The Political Code, Secs. 3607 to 3896, "REVENUE," inclusive, supersede the above Acts, and all laws in relation to State and county revenue passed before the adoption of the Codes.

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## CHAPTER CXII.

### RATE OF TAXATION.

SECTION 1560. Reference to Acts.

Reference  
to Acts.

#### 1560.

The various Acts fixing the rate of taxation are as follows:

An Act to fix the rate of taxation for State purposes, approved April 2d, 1866, p. 786.

This Act was superseded by an Act approved March 30th, 1868, p. 679.

This Act was superseded by an Act approved April 4th, 1870, p. 713.

### ASSESSMENTS AND ASSESSMENT ROLLS.

An Act to legalize assessments, and to provide for the collection of delinquent taxes in the several counties of this State, approved April 2d, 1866, p. 831.

An Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, in the years 1864 and 1865, in the various counties, approved April 2d, 1866, p. 795.

An Act concerning assessment rolls, and return to be made of property exempt from taxation, approved March 22d, 1866, p. 347.

This Act has become inoperative in view of the amendment doing away with all exemption.

### ASSESSORS AND ASSESSMENTS.

An Act concerning the revenue, approved March 25th, 1870, p. 393.

An Act to authorize Assessors to complete duties imperfectly performed, approved March 31st, 1870, p. 531.

An Act concerning assessment rolls, and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of omissions, errors, and defects therein, approved December 23d, 1865, p. 5.

DOUBLE TAXATION.

An Act to prevent double taxation, approved April 1st, 1870, p. 584.

Reference  
to Acts.

An Act to relieve owners of incumbered real estate from double taxation, approved April 4th, 1870, p. 710.

EXEMPTION FROM TAXATION.

An Act to exempt from taxation certain lands belonging to the United States, in San Francisco, and ceding jurisdiction over the same to the United States, approved February 21st, 1868, p. 67.

EQUALIZATION OF TAXES.

An Act to provide for a State Board of Equalization, approved April 4th, 1870, p. 714.

An Act supplementary to and explanatory of the revenue laws of this State, approved April 2d, 1866, p. 864.

See Political Code, "REVENUE."

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CHAPTER CXIII.

REWARDS.

SECTION 1561. Reference to Acts.

1561.

An Act authorizing the Governor to offer rewards for the apprehension of criminals, passed April 29th, 1851, p. 443.

Reference  
to Acts.

Penal Code, Secs. 1547 to 1558, inclusive, "PROCEEDINGS AGAINST FUGITIVES FROM JUSTICE," supersedes the above enactment.

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CHAPTER CXIV.

RIOTS AND MOBS.

SECTION 1562. Reference to Acts.

1562.

An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots, approved March 27th, 1868, p. 418.

Reference  
to Acts.

See Political Code, Secs. 4452 to 4456, inclusive, "LIABILITIES OF COUNTIES AND CITIES FOR INJURIES TO PROPERTY BY MOBS AND RIOTS."

Reference  
to Acts.

## ALPINE COUNTY.

In relation to public roads in the County of Alpine, approved March 8th, 1866, p. 167.

## AMADOR COUNTY.

An Act in relation to public roads in the County of Amador, and to the Road Fund of said county, approved March 13th, 1862, p. 47; amended by Act of April 17th, 1863, p. 319.

To amend an Act in relation to public roads in the County of Amador, approved April 1st, 1870, p. 567.

## BUTTE COUNTY.

An Act to amend an Act amendatory of an Act concerning roads and highways, passed April 19th, 1856, and to make applicable, in so far as the Counties of Trinity and Butte are concerned, approved March 24th, 1860, p. 117.

An Act concerning roads and highways in the County of Butte, approved May 16th, 1861, p. 398.

To amend an Act concerning roads and highways in the County of Butte, of May 16th, 1861, p. 398, approved February 3d, 1866, p. 51.

## CALAVERAS COUNTY.

An Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county, approved April 10th, 1862, p. 187; amended by Act of April 6th, 1863, p. 178.

To provide for the location, construction, and maintenance of public roads in the County of Calaveras, approved March 30th, 1868, p. 633.

## COLUSA COUNTY.

An Act concerning roads and highways in Colusa County (making the Act of May 14th, 1861, p. 378, applicable), approved April 14th, 1863, p. 309.

An Act relating to roads in the County of Colusa, approved March 28th, 1868, p. 469.

## CONTRA COSTA COUNTY.

An Act concerning roads and highways in certain counties therein named, approved April 22d, 1858, p. 227; amended February 3d, 1859, p. 16; and again, February 9th, 1860, p. 25; and again, April 28th, 1860, p. 327.

An Act granting appeals from the Board of Supervisors to the County Court in Contra Costa County (in regard to road matters), approved April 30th, 1860, p. 343.

An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of taxes for road purposes in said county, for the year 1861, approved May 3d, 1861, p. 284.

An Act to provide for the collection of road poll taxes in the County of Contra Costa, approved April 15th, 1862, p. 251.

An Act amendatory of and supplemental to the Act of May 16th, 1861, so far as said Act applies to the County of Contra Costa, approved April 3d, 1863, p. 151.

To provide for establishing, maintaining, and protecting public and private roads in the County of Contra Costa, approved March 23d, 1868, p. 223. Reference  
to Acts.

And an Act amendatory thereto, approved March 4th, 1870, p. 133, repealing Sec. 22.

DEL NORTE COUNTY.

An Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March 21st, 1862, p. 69; amended by Act of April 1st, 1864; Stats. 1863-4, p. 296.

Concerning roads and highways in the Counties of Klamath and Del Norte, approved March 31st, 1866, p. 544.

EL DORADO COUNTY.

An Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county, approved May 18th, 1861, p. 519.

An Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county, approved February 27th, 1862, p. 22; amended April 9th, 1862, p. 161; and again March 31st, 1863, p. 144.

Act to provide for the collection of a road tax and its application in the County of El Dorado, approved March 28th, 1868, p. 505.

FRESNO COUNTY.

An Act concerning roads and highways in the County of Fresno, approved April 25th, 1863, p. 542.

HUMBOLDT COUNTY.

An Act concerning roads and highways in the Counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, p. 42; amended May 17th, 1861, p. 475.

Act concerning roads and highways in the County of Humboldt, approved March 16th, 1870, p. 310.

Tax for Act of 1870, p. 549.

Act to aid in the construction of a wagon road from Round Valley to Hydesville, in Humboldt County, approved March 29th, 1870, p. 503.

Under a special Act passed for Humboldt County, the provisions contained in sections one, three, and five of an Act entitled an Act concerning roads and highways, approved April 28th, 1855, and the sections from one to twelve, both sections inclusive, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May 16th, 1861, are hereby extended over and made applicable to Humboldt County, and are hereby declared to be in full force and effect in said county; and an Act entitled an Act concerning roads and highways in the Counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, and all Acts amendatory thereof, are hereby repealed, in so far as they apply to Humboldt County. And an Act entitled an Act to authorize the Supervisors of Humboldt County to levy an additional tax for road purposes, approved December 27th, 1865, and an Act entitled an Act to continue in force in Humboldt County a certain Act therein named, and to regulate the dis-

Reference  
to Acts.

bursement of road moneys in said county, approved January 20th, 1868, are hereby repealed.

Sections eighteen and nineteen of an Act concerning roads and highways in the County of Humboldt, approved March 16th, 1870, p. 310.

#### KERN COUNTY.

The provisions of an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January 17th, 1866, p. 18, were extended to the County of Kern by Act to create that county, approved April 2d, 1866, p. 796.

#### KLAMATH COUNTY.

An Act concerning roads and highways in the County of Klamath, approved April 15th, 1861, p. 160.

An Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March 21st, 1862, p. 69; amended April 1st, 1864; Stats. 1863-4, p. 296.

An Act concerning roads and highways in the Counties of Klamath and Del Norte, approved March 31st, 1866, p. 544.

#### LAKE COUNTY.

An Act providing for a public highway from Suisun City to Knoxville, in Lake County, approved March 31st, 1866, p. 616, as to Lake County, was repealed by Act approved March 30th, 1868, p. 615.

An Act relating to the public roads in Lake County, approved March 31st, 1866, p. 621.

#### LASSEN COUNTY.

An Act concerning roads and highways in the County of Lassen, approved March 29th, 1870, p. 475.

#### MARIN COUNTY.

An Act concerning roads and highways in certain counties in this State, approved May 14th, 1861, p. 378.

An Act for laying out, altering, and vacating public roads in the County of Marin, approved April 2d, 1866, p. 711.

Tax authorized, Act of February 29th, 1868, p. 84.

An Act concerning roads in the County of Marin, approved March 30th, 1868, p. 610.

An Act to authorize Marin County to issue bonds, and apply proceeds to construction of wagon roads, approved March 4th, 1870, p. 114.

An Act providing for the construction of a public road, approved March 29th, 1870, p. 501.

#### MARIPOSA COUNTY.

An Act concerning roads and highways in the County of Mariposa, approved April 10th, 1862, p. 193; amended April 20th, 1863, p. 350; repealed, and the Act of May 16th, 1861, applied by Act of March 5th, 1864; Stats. 1863-4, p. 151.

An Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January 17th, 1866, p. 18.



An Act to amend the above Act, approved January 17th, 1866, p. 18, approved March 13th, 1868, p. 154. Reference to Acts.

An Act to amend the foregoing amendatory Act, approved March 18th, 1870, p. 324.

MENDOCINO COUNTY.

An Act concerning roads and highways in the County of Mendocino, approved May 17th, 1861, p. 482; amended April 27th, 1863, p. 725.

An Act concerning roads and highways in the County of Mendocino, approved March 28th, 1868, p. 495.

An Act to amend the foregoing, approved February 19th, 1870, p. 88.

An Act to aid in the construction of a wagon road from Round Valley, in Mendocino County, to Hydesville, approved March 29th, 1870, p. 503.

An Act to authorize Mendocino County to levy an additional tax for a wagon road from Ukiah to Mendocino City, and to improve the wagon road to Cloverdale, approved April 4th, 1870, p. 864.

MERCED COUNTY.

An Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March 13th, 1866, p. 235.

An Act to authorize Merced County to levy a tax for road purposes, and to direct the application thereof, approved March 28th, 1870, p. 417.

MONTEREY COUNTY.

An Act concerning public roads and highways in the County of Monterey, approved April 8th, 1862, p. 134.

An Act concerning public roads and highways in Monterey County, approved February 16th, 1870, p. 73.

NAPA COUNTY.

An Act concerning roads and highways in certain counties therein named, approved April 22d, 1858, p. 227; amended February 3d, 1859, p. 16; and again, February 9th, 1860, p. 25.

An Act concerning roads and highways in the Counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, p. 42; amended May 17th, 1861, p. 475.

An Act to authorize the Board of Supervisors of the County of Napa to levy a tax for general road purposes, and to repeal certain Acts relative thereto, approved May 16th, 1861, p. 408.

An Act to provide for the establishment, maintenance, and protection of public roads in Napa County, approved March 31st, 1866, p. 570, and an Act supplementary thereto, approved February 13th, 1868, p. 48.

An Act providing for a public highway from Suisun City to Knoxville, running through the Counties of Solano, Napa, and Lake, approved March 31st, 1866, p. 616.

NEVADA COUNTY.

An Act concerning roads and highways in the County of Nevada,

Reference  
to Acts.

approved March 2d, 1859, p. 61; amended April 9th, 1859, p. 189; repealed February 22d, 1860, p. 39.

An Act concerning roads and highways in the County of Nevada, approved March 5th, 1860, p. 60.

An Act concerning roads and highways in the County of Nevada, approved April 14th, 1863, p. 266.

An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March 2d, 1864; Stats. 1863-4, p. 124.

An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March 30th, 1868, p. 564.

#### PLACER COUNTY.

An Act concerning roads and highways in the County of Placer, approved April 30th, 1860, p. 359; amended April 29th, 1861, p. 253.

An Act concerning roads and highways in the Town of Auburn, approved February 25th, 1862, p. 18.

An Act concerning roads and highways in the County of Placer, approved April 24th, 1862, p. 355; amended March 26th, 1863, p. 100; and again, March 28th, 1864; Stats. 1863-4, p. 255; and again, April 4th, 1864; Stats. 1863-4, p. 449.

An Act to amend an Act concerning roads and highways in the County of Placer, approved April 24th, 1862, p. 353; approved April 2d, 1866, p. 670.

An Act concerning roads and highways in the County of Placer, approved March 29th, 1870, p. 457.

#### PLUMAS COUNTY.

An Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April 19th, 1859, p. 368.

An Act concerning roads and highways in the County of Plumas, approved April 25th, 1863, p. 533.

An Act to amend an Act concerning roads and highways in the County of Plumas, approved April 25th, 1863, p. 533; approved January 25th, 1866, p. 31.

An Act to authorize the Board of Supervisors of Plumas County to aid in the construction of certain wagon roads in said county, approved March 31st, 1866, p. 591, and an Act to repeal parts of said Act, approved March 28th, 1868, p. 480.

An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads, approved March 9th, 1870, p. 214.

#### SACRAMENTO COUNTY.

An Act concerning roads and highways in the County of Sacramento, approved May 18th, 1861, p. 517; amended May 14th, 1862, p. 541.

An Act concerning roads and highways in the County of Sacramento, approved March 18th, 1868, p. 168, and an Act concerning roads and highways in the County of Sacramento, approved April 2d, 1870, p. 688.

## SAN BERNARDINO COUNTY.

An Act concerning roads and highways in the County of San Bernardino, approved March 24th, 1868, p. 281. Reference to Acts.

And a later Act concerning roads and highways in San Bernardino County, approved March 4th, 1870, p. 126.

## SAN FRANCISCO CITY AND COUNTY.

An Act concerning roads and highways in the City and County of San Francisco, approved April 16th, 1859, p. 252.

An Act to create certain road districts in the City and County of San Francisco, and to provide for the repair and improvement of roads therein, approved May 20th, 1861, p. 564.

Appropriation for improvement of roads in First District, Act approved February 14th, 1866, p. 82.

An Act to confer additional powers on the Board of Supervisors, approved April 4th, 1870, p. 712.

## SAN JOAQUIN COUNTY.

An Act concerning roads and highways in certain counties therein named, approved April 22d, 1858, p. 227; amended February 3d, 1859, p. 16, and February 9th, 1860, p. 25.

An Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April 19th, 1859, p. 368; amended April 25th, 1863, p. 555; and again, April 4th, 1864; Stats. 1863-4, p. 501.

An Act to provide for the laying out and construction of certain public roads in the County of San Joaquin, and to compensate the owners of land taken for that purpose, approved April 28th, 1860, p. 317; amended May 20th, 1861, p. 559.

An Act amendatory of and supplemental to an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April 19th, 1859, p. 368; approved April 2d, 1866, p. 664.

Also, an Act amendatory to an Act of 1859, approved March 26th, 1870, p. 396.

An Act to enlarge the powers of the Board of Supervisors, approved March 14th, 1868, p. 159.

An Act to amend an Act to authorize the County of San Joaquin to issue certain bonds and to provide for the payment of the principal and interest thereon, approved April 8th, 1862, p. 127, approved March 1st, 1870, p. 105.

## SAN LUIS OBISPO COUNTY.

An Act to amend an Act of April 22d, 1858 (making it apply to this county), approved February 9th, 1860, p. 25.

An Act to amend an Act concerning roads and highways in the County of Monterey, April 8th, 1862, p. 134, approved April 2d, 1866, p. 822.

## SAN MATEO COUNTY.

Reference  
to Acts.

An Act concerning roads and highways in San Mateo County, approved April 13th, 1859, Stats. 228.

An Act to lay a special tax for road purposes in San Mateo County, approved May 14th, 1862, p. 531.

An Act concerning roads and highways in the County of San Mateo, approved April 27th, 1863, p. 619; amended February 15th, 1864; Stats. 1863-4, p. 77.

An Act concerning roads and highways in the County of San Mateo, approved March 25th, 1868, p. 283.

An Act amendatory of and supplementary thereof, approved March 24th, 1870, p. 362.

An Act to provide funds for the construction and improvement of highways, approved April 4th, 1870, p. 730.

Trustees to have general care of roads and Road Fund, approved March 22d, 1866, p. 339.

## SANTA CLARA COUNTY.

An Act concerning roads and highways in the Counties of Alameda and Santa Clara, approved March 24th, 1860, p. 119.

An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of turnpike roads, approved April 22d, 1861, p. 207.

An Act concerning roads and highways in Santa Clara County, approved March 28th, 1864; Stats. 1863-4, p. 248.

An Act concerning roads and highways in the County of Santa Clara, approved March 31st, 1866, p. 553.

An Act to amend the above Act, approved March 14th, 1868, p. 171. This Act is not to apply to the City of Gilroy.

An Act to amend an Act concerning roads and highways in the County of Santa Clara, approved March 31st, 1866, p. 553; approved March 18th, 1870, p. 327.

## SANTA CRUZ COUNTY.

An Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, approved April 6th, 1860, p. 150; amended May 9th, 1861, p. 314.

An Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz, approved April 17th, 1862, p. 256; amended April 17th, 1863, p. 317.

An Act to amend an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April 6th, 1860, p. 150, and the amendment thereto, passed May 9th, 1861, p. 314, approved March 28th, 1868, p. 504.

An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego, approved March 21st, 1870, p. 340.

## SHASTA COUNTY.

An Act concerning roads and highways in Shasta County, approved April 15th, 1859, p. 244.

An Act concerning roads and highways in the Counties of Shasta and Trinity, approved March 28th, 1863, p. 130; amended January 30th, 1864; Stats. 1863-4, p. 39. Reference  
to Acts.

An Act to amend sections six and thirteen of an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March 28th, 1863, p. 130, approved March 25th, 1868, p. 315.

SIERRA COUNTY.

An Act concerning roads and highways in the County of Sierra, approved March 16th, 1864; Stats. 1863-4, p. 175.

An Act to provide for the maintenance of public roads and trails, approved February 9th, 1866, p. 60.

An Act concerning roads and highways in Sierra Township, approved March 25th, 1870, p. 378.

An Act authorizing Supervisors of Sierra County to build a certain wagon road in said county, and to issue bonds therefor, approved March 31st, 1870, p. 519.

SISKIYOU COUNTY.

An Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April 19th, 1859, p. 368.

An Act concerning roads and highways in the Counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, p. 42; amended May 17th, 1861, p. 475.

An Act concerning roads and highways in the County of Siskiyou, approved March 14th, 1860, p. 95; amended April 28th, 1860, p. 313.

An Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March 21st, 1862, p. 69; amended April 1st, 1864; Stats. 1863-4, p. 296.

An Act concerning roads and highways in the County of Siskiyou, approved March 20th, 1866, p. 318.

Tax authorized for road purposes, by Act approved March 31st, 1866, p. 529.

SOLANO COUNTY.

An Act to amend an Act of April 22d, 1858, p. 227 (making it apply to this county), approved February 3d, 1859, p. 16; amended February 9th, 1860, p. 25.

An Act in relation to roads and roadmasters in Solano County, approved March 22d, 1864; Stats. 1863-4, p. 214.

An Act providing for location and survey of a public highway from Suisun City, approved March 31st, 1866, p. 616.

An Act to authorize Supervisors of Solano County to levy an additional road tax, approved February 5th, 1868, p. 32.

An Act to amend an Act in relation to roads and roadmasters in Solano County, approved March 22d, 1864, p. 214, approved March 27th, 1868, p. 405.

An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax, approved March 26th, 1870, p. 396.

Reference  
to Acts.

## SONOMA COUNTY.

An Act concerning roads and highways in certain counties therein named, approved April 22d, 1858, p. 227; amended February 3d, 1859, p. 16; and again, February 9th, 1860, p. 25.

An Act to amend an Act of February 22d, 1860, p. 42 (making it applicable to this county), approved March 24th, 1860, p. 118.

An Act concerning roads and highways in certain counties in this State, approved May 14th, 1861, p. 378; amended April 1st, 1864; Stats. 1863-4, p. 519.

An Act in relation to roads and highways in the County of Sonoma, to provide for one County Commissioner and prescribe his duties, and repeal all other Acts, so far as they conflict, approved March 8th, 1866, p. 176.

An Act amendatory thereof, approved April 2d, 1870, p. 650.

An Act to amend the foregoing Act, approved March 30th, 1868, p. 702.

An Act to provide for the location of a public road from Russian River to the Guallala River, approved March 29th, 1870, p. 502.

## STANISLAUS COUNTY.

An Act concerning roads and highways in the County of Stanislaus, approved March 10th, 1866, p. 209.

## SUTTER COUNTY.

An Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, approved April 6th, 1860, p. 150; amended May 9th, 1861, p. 314.

An Act to amend an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April 6th, 1860, p. 150, and the amendment thereto, passed May 9th, 1861, approved March 28th, 1868, p. 504.

An Act to authorize Supervisors of Sutter County to issue bonds for road purposes, approved February 10th, 1870, p. 62.

An Act concerning roads and highways, approved March 29th, 1870, p. 463.

## TRINITY COUNTY.

An Act to amend an Act amendatory of an Act passed April 19th, 1856, and to make applicable, in so far as the Counties of Trinity and Butte are concerned, approved March 24th, 1860, p. 117.

An Act concerning roads and highways in the Counties of Shasta and Trinity, approved March 28th, 1863, p. 130; amended January 30th, 1864; Stats. 1863-4, p. 39.

An Act to amend sections six and thirteen of an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March 28th, 1863, p. 130; approved March 25th, 1868, p. 315.

## TULARE COUNTY.

An Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January 17th, 1866, p. 18.

An Act to amend the foregoing Act, approved March 13th, 1868, p. 154. Reference to Acts.

And an Act amendatory to the last foregoing amendatory Act, approved March 18th, 1870, p. 324.

TUOLUMNE COUNTY.

An Act concerning roads and highways in and for the Counties of Tuolumne and Alameda, approved April 26th, 1858, p. 297; repealed as to Tuolumne February 14th, 1859, p. 30.

An Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April 19th, 1859, p. 368.

An Act to legalize the declaration of roads and public highways made by the Board of Supervisors of Tuolumne County, approved April 10th, 1862, p. 213.

An Act concerning roads and highways in the County of Tuolumne, approved April 3d, 1863, p. 163.

An Act concerning roads and highways in the County of Tuolumne, approved February 27th, 1866, p. 116.

An Act in relation to road indebtedness of Tuolumne County, incurred in the years 1866 and 1867, approved March 12th, 1870, p. 292.

An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways, of February 27th, 1866, approved April 2d, 1870, p. 654.

YOLO COUNTY.

An Act concerning roads and highways in certain counties therein named, approved April 22d, 1858, p. 227; amended February 3d, 1859, p. 16; and again February 9th, 1860, p. 25.

YUBA COUNTY.

An Act to amend an Act amendatory to an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May 16th, 1861, p. 389, approved April 27th, 1863, p. 767, approved March 24th, 1866, p. 381, and approved March 14th, 1868, p. 158; approved March 9th, 1870, p. 231.

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## CHAPTER CXCVI.

### RODEOS.

SECTION 1564. General rodeos.

1565. Penalty for neglect in certain counties.

1566. Same in other counties.

1567. Exempt during certain months.

1568. Cattle collected at rodeos may be examined.

1569. Cattle may be branded within eight days of rodeo.

1570. Disputes respecting cattle, how disposed of.

1571. Unmarked cattle, to whom deemed to belong.

SECTION 1572. Running cattle from one range to another.

1573. Cattle not to be marked at any other time than that before prescribed.

1574. Division.

1575. When owner of farm may have more than one rodeo.

1576. Rodeo, before removal.

1577. Penalty.

1578. Disposition of fines.

1579. Slaughtering unmarked cattle; penalty.

1580. Possession of unmarked calves; penalty.

1581. Acts repealed.

1582. Certain Act to apply to certain counties only.

*An Act to regulate rodeos.*

[Passed April 30, 1851, p. 445.]

[Enacting clause.]

General  
rodeos.

1564. SECTION 1. Every owner of an uninclosed stock farm shall be obliged to give, yearly, one general rodeo within the limits of his farm, between the first day of April and the thirty-first day of July, in the Counties of San Luis Obispo, Santa Barbara, and San Diego, and in the remaining counties between the first day of March and the thirty-first day of August; and the person giving such general rodeos shall give notice thereof to all the owners of adjoining farms, at least four days previous to said rodeos being made, in order that parties interested may meet for the purpose of separating their respective cattle, it being understood that this requisite will be complied with by giving verbal notice to the owners of such adjoining farms, or by leaving a notice at their respective farm residences with any servant or member of the family; *provided*, that in the County of Monterey, the Board of Supervisors shall prescribe and regulate the time and manner of giving rodeos in said county. (Amendment approved April 17th, 1861, p. 180; took effect from passage.)

1565. SEC. 2. If any person required to give such general rodeos, by the provisions of this Act, shall



neglect or refuse to do so, or willfully neglect to collect any portion of his stock, any adjoining stock farmer shall have power to give such rodeos, and the person so neglecting or refusing shall pay the cost of the same. In this case, the person giving such rodeos shall give notice, as required by section one; *provided*, that in the Counties of San Luis Obispo, Santa Barbara, Los Angeles, San Bernardino, and San Diego, if said general rodeos be not given before the fifteenth day of May, a Judge of the Plains of said county may give such rodeo, at the cost of the party so neglecting or refusing to give such rodeo, after five days' written or verbal notice to the neighbors. (Amendment approved March 17th, 1858, p. 70.)

Penalty for neglect in certain counties.

[The foregoing amendment does not apply to the Counties of Monterey, Santa Cruz, Merced, Stanislaus, Contra Costa, Sonoma, Mendocino, Santa Clara, Solano, Yolo, Napa, San Joaquin, and San Mateo, in which counties the section as amended by Act of March 29th, 1852, p. 102, is in force as follows:]

1566. SEC. 2. If any person, required to give such general rodeos, by the provisions of this Act, shall neglect or refuse to do so, or willfully neglect to collect any portion of his stock, any adjoining stock farmer shall have power to give such rodeos, and the person so neglecting or refusing shall pay the cost of the same; in this case, the person giving such rodeos shall give notice as required in section one. (Amendment approved March 26th, 1852, p. 102.)

Same in other counties.

1567. SEC. 3. No owner of a stock farm shall be required to give a rodeo from the first day of November to the first day of March, in each year, except on a contract for the delivery of cattle, or on a legal demand from the Sheriff or Constable of his county, having an execution against the owner, and demands

Exempt during certain months.

a rodeo for levy or delivery of cattle; but in other months of the year he shall be required to collect his cattle upon application of owners of cattle; *provided*, good cause is shown, and the party applying for the rodeo pay the expenses thereof. (Amendment approved March 26th, 1852, p. 102.)

Cattle  
collected at  
rodeos may  
be  
examined.

1568. SEC. 4. When the cattle comprising such general rodeo shall be collected together, any stock owner, or his agent, shall have the privilege of examining to his satisfaction the cattle so congregated, and to separate such as belong to him. The cattle so gathered together shall not be allowed to disperse until all the adjoining farmers have had sufficient time to separate the cattle belonging to them; *provided*, that said rodeo may be continued from day to day until such separation shall be completed.

Cattle may  
be branded  
within  
eight days  
of rodeo.

1569. SEC. 5. The requirements of the foregoing section being complied with, the owner of the rodeo may proceed to mark and brand his cattle within eight days from the time of such rodeo; but if he should suspend his marking and branding for more than fifteen days, he shall be obliged to give a new general rodeo, in the same manner as the former one, it being understood that in all cases he shall be obliged to mark his cattle some time within the period designated in the first section, unless the majority of the adjoining proprietors should grant him longer time.

Disputes  
respecting  
cattle, how  
disposed of.

1570. SEC. 6. Should any dispute arise between the owner of the rodeo, or any of the stock owners, or between any of the latter respecting cattle affairs, said dispute shall be decided by the Judge or Judges of the Plains (Jueces del Campo), who may be present, or in case of their absence, by any three disinterested stock owners present, should the value in dispute not exceed fifty dollars.

1571. SEC. 7. All unmarked neat cattle, the mothers of which are unknown, shall be considered the property of the owner of the farm on which they may be found.

Unmarked cattle, to whom deemed to belong.

1572. SEC. 8. No person shall be allowed at any time, or under any circumstances, to run cattle from without the boundaries of his own range, except after having given notice to, and received permission from, the person in charge of the range, where he may desire so to do; and whoever shall transgress this provision shall be liable, upon conviction thereof before any Justice of the Peace, to a penalty of not less than one hundred nor more than five hundred dollars, or to imprisonment for not less than three months nor more than six months, at the discretion of the Justice.

Running cattle from one range to another.

1573. SEC. 9. No person shall be allowed to mark or brand any portion or the whole of his cattle at any other time or in any other manner than is prescribed in this Act; and whoever shall act to the contrary will subject himself, on conviction before any Justice of the Peace, to a penalty of not less than one hundred dollars nor more than five hundred dollars, at the discretion of the Justice.

Cattle not to be marked at any other time than that before prescribed.

1574. SEC. 10. Every stock farm, the owner of which shall possess therein more than three thousand head of neat cattle, and not over six thousand, shall be allowed to divide said cattle into two rodeos, or if the number exceed six thousand head, into three rodeos, at each of which the provisions respecting general rodeos shall be complied with, and the whole number of these partial rodeos shall be considered as the general rodeo of such farm; *provided*, that such partial rodeos be given on successive days. (Amendment approved March 17th, 1858, p. 70.)

Division.

[The Act of March 17th, 1858, p. 70, from which the foregoing amendment is taken, as well as the amendment of like date of Sec. 2, does not apply to the counties mentioned under Sec. 2. The original section is in force there as follows:]

When  
owner of  
farm may  
have more  
than one  
rodeo.

1575. SEC. 10. Every stock farm, the owner of which shall possess therein more than three thousand head of neat cattle, and not over six thousand, shall be allowed to divide said cattle into two rodeos, or if the number exceed six thousand head, into three rodeos, at each of which the provisions respecting general rodeos shall be complied with, and the whole number of these partial rodeos shall be considered as the general rodeo of such farm; *provided*, that such partial rodeo be given within the period of fifteen days.

SEC. 11. This Act to take effect from and after the first day of June, A. D. one thousand eight hundred and fifty-one.

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*An Act supplemental to the foregoing Act of April thirtieth, eighteen hundred and fifty-one.*

[Approved April 15, 1858, p. 155.]

[Enacting clause.]

Rodeo,  
before  
removal.

1576. SECTION 1. Whenever the owner, agent of the owner, or parties in possession of any cattle or stock, shall desire to remove such cattle or stock from the range upon which they have been running for the space of one week or more, to another farm or range, thirty miles or more distant, they shall be required to give three days notice to the neighbors having cattle or stock, before such removal, in order that said neighbors may get their cattle out; and shall be further required to give a general rodeo for that purpose.

1577. SEC. 2. Any person failing or refusing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not less than fifty dollars nor more than five hundred dollars, and shall be liable to any party aggrieved in damages. Penalty.

1578. SEC. 3. All fines collected under the provisions of this Act shall be applied to the Fund for the support and maintenance of the indigent sick, in the counties in which such fines may be collected. Disposition of fines.

SEC. 4. This Act shall take effect on the first day of May next.

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*An Act amendatory of and supplemental to an Act regulating rodeos, passed April [June] thirtieth, one thousand eight hundred and fifty-one.*

[Approved April 2, 1866, p. 673.]

[Enacting clause.]

[Section 1 of this Act contains the amendment of Sec. 8 of the Act of April 30th, 1851, therein inserted.]

1579. SEC. 2. It shall hereafter be unlawful for any person to kill or slaughter upon the plains, either in his own or any other range, any unmarked or recently marked neat cattle, calf, or other cattle; and any person violating the provisions of this section shall be liable, upon conviction thereof before any Justice of the Peace, to a penalty of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than six months, at the discretion of the Justice. Slaughtering unmarked cattle.   
 Penalty.

1580. SEC. 3. Any person having possession of any unmarked calves which are not following their mothers, said calves having been taken from any other than his own range or a range of which he has charge, Possession of unmarked calves.

**Penalty.** shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, shall be liable to the penalty of not less than one hundred nor more than five hundred dollars, or to be imprisoned for not less than three nor more than six months, at the discretion of the Justice.

**Acts repealed.** 1581. SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

**Certain Act to apply to certain counties only.** 1582. SEC. 5. This Act shall apply only to the Counties of Merced, Stanislaus, and Fresno.

SEC. 6. This Act shall take effect and be in force from and after its passage.

The Political Code, Sec. 19, continues in force "all Acts regulating and in relation to rodeos."

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## CHAPTER CXCVII.

### SACRAMENTO COUNTY AND CITY.

SECTION 1583. Reference to special and local Acts.

**Reference to special and local Acts.**

1583.

[For the purposes of more ready and convenient reference to the numerous Acts of a special and local character relating to the County and to the City, and to the consolidated City and County of Sacramento, those more especially relating to "Bridges," "Capital of State," "Levees and Drainage," "Roads and Railroads," "School Matters," "Taxes," and "Title to Property," will be found noted under different sub-heads.]

Boundaries and seat of justice; Stats. 1850, p. 61; 1851, p. 174; 1857, p. 132; 1861, p. 221.

Incorporating Sacramento City; Stats. 1850, pp. 70, 96; 1851, p. 401.

Creating Port Warden; Stats. 1850, p. 196; 1853, p. 46.

Second Act incorporating city; Stats. 1851, p. 391; 1852, p. 194; 1853, p. 88; 1855, pp. 63, 129; 1857, p. 265; 1858, pp. 83, 289.

Authorizing Court of Sessions to borrow money; Stats. 1851, p. 447; 1852, p. 194.

Authorizing State Controller to draw on County Treasurer to defray contingent expenses of Legislature, Stats. 1852, p. 58.

Creating State Hospital in Sacramento; Stats. 1851, pp. 500, 505; 1852, p. 142; 1853, pp. 208, 267; 1854, p. 138.

Authorizing Mayor and Common Council to contract for supplying city with water; Stats. 1852, p. 196; 1858, p. 289.

Creating office of Clerk of Recorder's Court of city; Stats. 1852, p. 197; 1855, p. 67.

Relative to Port Warden; Stats. 1853, p. 44. Refers, in repealing clause, to Stats. 1850, p. 196; 1851, p. 423; 1852, p. 136.

Relating to fire companies; Stats. 1853, p. 60.

Providing for erection of jail; Stats. 1853, p. 116; 1854, p. 58.

Abolishing Board of Supervisors; Stats. 1853, pp. 153, 181.

To fund floating debt of county and provide for payment; Stats. 1853, p. 212.

Providing for building and furnishing jail; Stats. 1854, p. 57; 1855, p. 22.

Authorizing Mayor and Common Council to issue city bonds for payment of outstanding warrants and use of Fire Department; Stats. 1854, p. 60; 1858, p. 289.

To fund floating debt and provide for payment; Stats. 1854, p. 66.

Providing offices for certain county officers; Stats. 1854, p. 191.

Authorizing county to fund outstanding warrants drawn against Court House and Jail Fund; Stats. 1855, p. 20; 1857, p. 312.

Authorizing payment of rent for Court House; Stats. 1855, p. 102.

Authorizing working of convicts; Stats. 1855, p. 209.

Concerning office of Public Administrator; Stats. 1856, p. 80; 1858, pp. 114, 297; 1859, pp. 24, 96, 234.

Regulating Fire Department; Stats. 1856, p. 126; 1858, p. 289.

For relief of Cyrus Rowe, as County Treasurer, and his sureties; Stats. 1856, p. 225.

Fixing time of holding Courts of Sessions and County Courts; Stats. 1857, p. 98.

Authorizing county to fund outstanding warrants drawn on the several Funds prior to first November, 1855; Stats. 1857, p. 314.

To release B. S. Gray from liabilities as bail for G. W. Tenbrook; Stats. 1858, p. 82.

Auditing and allowing claim of Sacramento Gas Company; Stats. 1858, p. 124.

Treasurer to pay warrant to P. J. O'Neal, Stats. 1866, p. 99.

Boundaries defined, Stats. 1866, p. 223; 1870, p. 294.

Act for government of, amended, Stats. 1866, pp. 321, 804.

Protection of public and private roads, Stats. 1866, p. 381.

Superintendent of Common Schools to be on State Board of Education, Stats. 1866, p. 383; 1870, p. 824.

Granting leave of absence to District Attorney, Stats. 1866, p. 435.

Treasurer to be credited for licenses lost, Stats. 1866, p. 752.

To authorize guardian of Mary Larne to mortgage property, Stats. 1866, p. 378.

Act providing for government of, Stats. 1866, pp. 166, 804.

Exempt from public and private road, Stats. 1868, p. 158.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

- Roads and highways, Stats. 1868, p. 168.  
 For relief of Treasurer, Stats. 1868, p. 259.  
 Supervisors to audit and allow a certain claim, Stats. 1868, p. 372.  
 Supervisors' compensation, Stats. 1868, p. 449.  
 Assessors' compensation, Stats. 1868, p. 450.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 To declare T. J. Clunie of lawful age, Stats. 1868, p. 88.  
 Protection of public and private roads, Stats. 1868, p. 158.  
 To protect agriculture and prevent trespass of cattle, Stats. 1868, p. 456.  
 To provide for government of, Stats. 1868, p. 478.  
 To authorize administratrix of H. H. Hartley to sell real property, Stats. 1870, p. 109.  
 Act in relation to herding sheep, Stats. 1870, p. 304.  
 To protect agriculture and prevent trespass of animals, Stats. 1870, p. 410.  
 To supply deficient records in County Clerks' office, Stats. 1868, p. 494.  
 To prevent swamp land district from overflow, Stats. 1868, p. 556.  
 To grant additional powers to Trustees, Stats. 1868, p. 538.  
 To procure material to raise levees and streets, Stats. 1868, p. 686.  
 In relation to common schools, Stats. 1870, p. 7.  
 To issue bonds, Stats. 1870, p. 28.  
 To legalize election of officers, Stats. 1870, p. 113.  
 Office of District Attorney, Stats. 1870, p. 129.  
 Boundaries of, Stats. 1870, p. 294.  
 Time of holding District Court, Stats. 1870, p. 317.  
 Phonographic reporters, Stats. 1870, p. 325.  
 To issue bonds for Court House and Jail, Stats. 1870, p. 335.  
 Leave of absence to F. R. Dray, County Assessor, Stats. 1870, p. 397.  
 Leave of absence to W. B. C. Brown, County Clerk, Stats. 1870, p. 398.  
 Roads and highways, Stats. 1870, p. 638.  
 Additional Notaries Public, Stats. 1870, p. 697.  
 Granting property to county, Stats. 1870, p. 807.  
 Superintendent of Public Instruction to be member of State Board of Education, Stats. 1870, p. 824.  
 Police Court of, Stats. 1866, p. 24.  
 Powers of Board of Trustees, Stats. 1866, pp. 48, 360.  
 Redemption of funded indebtedness, Stats. 1866, p. 86.  
 Examination and certificate of School Trustees, Stats. 1866, p. 224.  
 Cleaning and deepening river, Stats. 1866, p. 301.  
 City Cemetery, protection of, Stats. 1866, p. 337.  
 Discontinuance of streets in, Stats. 1866, p. 360.  
 Fire Department, of what to consist, Stats. 1866, p. 639.  
 Confirming franchise to wharf company, Stats. 1866, p. 783.  
 Powers and duties of Police Clerk, Stats. 1866, p. 810.  
 Government of common schools, Stats. 1866, p. 224.  
 Improvement of river in front of, Stats. 1866, p. 301.



Incorporation Act amended, Stats. 1866, p. 639; 1868, p. 310.

Act relating to Sacramento Wharf Company, Stats. 1866, p. 783.

Act relating to Clerk of Police Court, Stats. 1866, p. 810.

Act in relation to public schools, Stats. 1868, p. 64.

To levy special tax, Stats. 1868, p. 99.

To provide for drainage of, Stats. 1868, p. 127.

To pay expenses of criminal witnesses, Stats. 1868, p. 205.

Grading of alleys and construction of sewers, Stats. 1868, p. 221.

Powers conferred on Sacramento Gas Company, Stats. 1868, p. 268.

Railroad franchise to J. Z. Davis and others, Stats. 1868, p. 368.

Board of Health established, Stats. 1868, p. 403; 1870, p. 452.

In relation to common schools, Stats. 1870, p. 7.

To provide for drainage of, Stats. 1870, p. 127.

Incorporation Act amended, Stats. 1870, p. 339.

Trustees to allow certain claim, Stats. 1870, p. 375.

Concerning construction of State Capitol, Stats. 1870, p. 447.

Reference  
to special  
and local  
Acts.

#### CONSOLIDATION ACT.

To repeal charter of 1851 and amendatory and supplemental Acts, and to incorporate the City and County of Sacramento, Stats. 1858, p. 267; 1859, pp. 41, 182, 359; 1861, pp. 96, 171, 205, 226, 233, 262, 308, 542, 583, 586; 1863, pp. 441, 517.

Submitting to people proposition to appropriate money for purchase and construction of suitable grounds and buildings for use of State Agricultural Society, etc., Stats. 1859, p. 20.

Authorizing Auditor and Treasurer to transfer certain funds, Stats. 1859, p. 41 (refers to Stats. 1858, p. 279).

To fund certain claims against county, Stats. 1859, p. 129.

To prevent stallions running at large, Stats. 1859, p. 149.

Fixing time of holding Court of Sessions and County Court, Stats. 1860, p. 55.

Authorizing American River Water and Mining Company to extend works to city, for purpose of supplying inhabitants with pure, fresh water, etc., Stats. 1860, p. 155.

Providing for payment of certain claims by duplicate issue of certain city bonds, Stats. 1860, p. 190.

Authorizing Board of Supervisors to allow, and Auditor to audit, claim of T. C. Faris, Stats. 1860, p. 230.

For relief of witnesses in criminal cases, Stats. 1860, p. 268.

Providing for burial place for use of State, Stats. 1860, p. 328.

For relief of J. H. Stewart, late Deputy District Attorney, Stats. 1861, p. 36.

Concerning compensation of Deputy District Attorney, Stats. 1861, p. 170.

For relief of Clerk of Board of Supervisors, Stats. 1861, p. 176.

Authorizing removal of certain bodies interred in New Helvetia Cemetery, Stats. 1861, p. 248.

Reference  
to special  
and local  
Acts.

Providing for permanent improvement of stock grounds belonging to State Agricultural Society, Stats. 1861, p. 272.

Prescribing certain duty of Auditor, Stats. 1861, p. 273; 1863, p. 517.

Conferring further powers on Board of Supervisors, Stats. 1861, pp. 275, 500; 1863, p. 517.

Transferring certain moneys remaining in General Fund to Contingent Fund, Stats. 1861, p. 297.

To pay certain warrants, Stats. 1861, p. 343.

Concerning offices of Coroner and Harbormaster, Stats. 1861, p. 584; 1863, p. 517.

Relating to payment of salary of Assistant or Deputy Clerk of Clerk of Board of Supervisors, Stats. 1862, p. 5.

Authorizing Warden of County Jail to appoint deputies, etc., Stats. 1862, p. 7.

Providing for holding an election (concerning charter), Stats. 1862, p. 72.

Providing for payment of salary of County Judge, Stats. 1862, p. 92.

Relating to City Cemetery, Stats. 1862, p. 114.

Concerning term of Clerk of Board of Supervisors, Stats. 1862, p. 171; 1863, p. 166 (referring to Stats. 1861, p. 454).

For relief of E. B. Ryan, Assessor, Stats. 1862, p. 270.

For better protection of farmers in certain portions of county, Stats. 1862, p. 425; 1863, p. 772.

Appropriating money to Howard Benevolent Society, Stats. 1862, p. 435.

To pay certain city warrants, Stats. 1862, p. 497.

Regulating fees in office, Stats. 1862, p. 499; 1863, p. 517.

Concerning funded debt of city, Stats. 1862, p. 503.

Concerning fees of certain officers, Stats. 1862, p. 508; 1863, p. 517.

Fixing Fund out of which salary of watchman and porter of Court House shall be paid, Stats. 1862, p. 531.

Authorizing appropriation of money for paying funeral expenses, improving burial grounds, erecting monument to the memory of Hon. Thomas Campbell, deceased, etc., Stats. 1863, p. 176.

#### REPEAL OF CONSOLIDATION ACT.

To incorporate City of Sacramento, Stats. 1863, p. 415; 1863-4, pp. 198, 258, 295, 484.

Providing for government of County of Sacramento, Stats. 1863, p. 503; 1863-4, pp. 216, 241, 274.

Authorizing Board of Supervisors to fund certain claims, Stats. 1863-4, p. 87.

To provide for support of Fire Department, Stats. 1863-4, p. 93.

Exempting active and exempt firemen from jury duty, Stats. 1863-4, p. 99.

Relative to office of District Attorney, Stats. 1863-4, p. 183.

Concerning offices of Recorder and Auditor, Stats. 1863-4, p. 187.

Fixing terms of County Court and Probate Court, Stats. 1863-4, p. 194.

Providing for liquidation of indebtedness of city which accrued prior to 1st January, 1859; Stats. 1863-4, p. 217.

Granting further powers to Board of Supervisors, Stats. 1863-4, p. 225.

Providing for redemption of funded indebtedness of city, Stats. 1863-4, p. 258.

Providing for election of Police Judge at the time of election of other judicial officers, Stats. 1863-4, p. 307.

For relief of State Agricultural Society, Stats. 1863-4, p. 313.

Authorizing Fast Freight and Express Company to change its principal place of business, Stats. 1863-4, p. 486.

Reference  
to special  
and local  
Acts.

#### BRIDGES.

Granting right to construct bridge across Sacramento River between city and Washington to J. Price and others, Stats. 1857, p. 175.

Granting right to construct bridge across American River at its mouth to J. Williams and associates, Stats. 1858, p. 313.

Granting right to construct bridge across American Fork River at point north of C street and between Front and Seventh streets, Stats. 1860, p. 66.

Granting right to construct bridge across American River at its mouth to C. H. Swift and others, Stats. 1860, p. 85.

Granting right to construct bridge across American River to R. A. Pearis and others, Stats. 1861, p. 294.

Granting right to construct and maintain bridge across American River near Folsom to A. G. Kinsey, Stats. 1862, p. 3.

Granting right to construct and maintain bridge across Cosumnes River, about one mile below Live Oak, to S. Putnam, Stats. 1862, p. 422.

Providing for free bridge across J and K streets, Stats. 1862, p. 571.

Granting right to construct and maintain bridge across Cosumnes River to J. Atkin, Stats. 1863-4, p. 734.

Granting right to construct and maintain bridge across Mokelumne River to J. Johnson and others, Stats. 1863-4, p. 101.

#### CAPITAL OF STATE.

Providing for permanent location of the seat of government of State at Sacramento City, Stats. 1854, p. 7.

To fix place of residence of certain State officers, Stats. 1854, p. 177.

Providing for construction of State Capitol in Sacramento City, Stats. 1856, p. 110.

Providing for construction of State Capitol Building, Stats. 1863, p. 351.

#### LEVEES AND DRAINAGE.

Granting right of way for purposes of drainage from city, Stats. 1861, p. 276.

Concerning construction and repair of levees and mode of raising revenue therefor, Stats. 1862, pp. 151, 459, 548; 1863, p. 468.

Reference  
to special  
and local  
Acts.

Conferring further powers on Board of Levee Commissioners, Stats. 1863, p. 705.

Relating to certain swamp land districts, Stats. 1863-4, p. 287.

#### ROADS AND RAILROADS.

Submitting to people proposition to appropriate money for construction of wagon road, Stats. 1857, p. 272; 1858, p. 50.

Granting right to lay railroad track through certain streets to J. G. Hyer and others, Stats. 1861, p. 144.

Granting T. A. Talbert and others right of laying railroad track along certain streets, Stats. 1861, p. 146.

Concerning the Wagon Road Fund, Stats. 1861, p. 297.

Granting to T. Harrigan right of laying railroad track along certain road, Stats. 1861, pp. 370, 502.

Granting to H. M. Stow and others right to lay railroad track through certain streets, Stats. 1861, p. 382.

Concerning roads and highways, Stats. 1861, p. 517; 1862, p. 541.

Authorizing S. Miser and associates to construct and maintain turnpike at certain point, Stats. 1863, p. 73.

Granting certain rights to Central Pacific Railroad Company, Stats. 1863, p. 288.

Authorizing J. W. Sharp and associates to construct and maintain toll road from Sacramento River, near Georgiana Slough, to lower Stockton road, near Benson's ferry, Stats. 1863, p. 294; 1863-4, p. 119.

Authorizing city and county to subscribe to stock of Central Pacific Railroad Company, providing for payment, etc., Stats. 1863, p. 447.

Providing for railroad (right granted to J. F. Houghton and others), Stats. 1863, p. 474.

Authorizing Sacramento, Placer, and Nevada Railroad Company to sell and convey their road, etc., Stats. 1863, p. 749.

#### SCHOOL MATTERS.

Extending and better defining the powers and duties of City Council and authorizing establishment of free schools, Stats. 1853, p. 117; 1858, p. 289.

To attach certain territory to city for school purposes, Stats. 1859, p. 40; 1863, p. 91.

Providing for the government of common schools, Stats. 1862, p. 454; 1863, p. 717.

Providing for payment for certain school property, Stats. 1862, p. 535.

To consolidate certain school districts of Sacramento and El Dorado Counties, Stats. 1863, p. 568.

Providing for collection of delinquent taxes in Granite School District, Stats. 1863-4, p. 20.

In relation to the Board of Education, Stats. 1863-4, p. 67.

#### TAXES.

Authorizing Court of Sessions to levy and collect special tax for support and maintenance of indigent sick, Stats. 1854, p. 38.

Concerning collection of taxes now due, Stats. 1854, p. 41.

Giving power to Court of Sessions to cancel certain delinquent taxes assessed for 1852, Stats. 1854, p. 187.

Reference  
to special  
and local  
Acts.

Authorizing Mayor and Common Council to levy and collect special tax for redemption of bonds, Stats. 1854, p. 190; 1858, p. 289.

To legalize assessment and enforce collection of taxes in city for municipal year commencing April, 1857, Stats. 1858, p. 63.

Extending time for Sheriff to collect delinquent taxes for 1858, Stats. 1859, p. 8.

Extending time for Sheriff to collect delinquent taxes for 1859, Stats. 1860, p. 1.

Providing for collection of delinquent taxes, Stats. 1860, p. 139.

Authorizing Board of Supervisors to levy special tax (for State Capitol purposes), Stats. 1860, p. 232.

Authorizing Board of Supervisors to levy special tax (for Agricultural Pavilion and school purposes), Stats. 1860, p. 286.

Authorizing Board of Supervisors to levy special tax (for State Capitol purposes), Stats. 1861, p. 53.

Providing for collection of delinquent taxes, Stats. 1861, p. 119.

Concerning certain street assessments, Stats. 1861, p. 250.

Authorizing Board of Supervisors to levy special tax (for Agricultural Society purposes), Stats. 1861, p. 305.

Legalizing levy of taxes for fiscal year commencing on first Monday in March, 1864, Stats. 1863-4, p. 198.

#### TITLE TO PROPERTY.

Legalizing certain records of deeds and other instruments, Stats. 1853, p. 227.

Resolution in regard to deed from city to State of land for public buildings, etc., Stats. 1854, p. 278.

Legalizing certified copy of book "A" of records, Stats. 1855, p. 143.

Granting certain swamp and overflowed lands to city, Stats. 1857, p. 155.

Authorizing G. W. Chedic to sell certain property of Georgia M. C. F. Chedic, his infant daughter, Stats. 1858, p. 163.

Authorizing guardian of minor heirs of David Martin and Anne Martin, deceased, to sell real estate, Stats. 1859, p. 178.

Authorizing executors of Joseph L. Folsom, deceased, to sell real estate, Stats. 1860, p. 271 (refers to Stats. 1857, p. 246).

Providing for conveyance of interest of minor heirs of W. E. P. Hartnell, deceased, in and to certain real estate, Stats. 1860, p. 308.

Authorizing administrator of Henry Meredith, deceased, to sell real estate, Stats. 1861, p. 32.

Authorizing administrator of Nicholas Swan and Zacchariah Simpson, deceased, to apply money for certain purposes (procuring manumission from slavery of children of deceased), Stats. 1861, p. 59.

Providing for recording certain deeds and making same notice and evidence, Stats. 1861, p. 90.

To convey certain real estate (to Julia Cummings), Stats. 1861, p. 125.

Reference  
to special  
and local  
Acts.

To condemn certain streets and alleys for use of California Agricultural Society, Stats. 1861, p. 228.

Authorizing administratrix of Julius Lyons, deceased, to sell real and personal property, Stats. 1861, p. 515.

Authorizing guardian of infant heirs of Joseph Purdue, deceased, to sell certain real estate, Stats. 1861, p. 598.

Authorizing administrator of Francis Tribon, deceased, to sell real estate, Stats. 1862, p. 160.

Authorizing and empowering administratrix of Lucius R. Beckley, deceased, to sell, convey, and partition certain real estate, Stats. 1862, p. 546.

Authorizing executors of John W. Wilde, deceased, to sell and convey certain real estate, Stats. 1863, p. 321.

Authorizing S. Brannan to convey certain lands for cemetery purposes, Stats. 1863-4, p. 477.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CXCVIII.

### SALARIES.

#### SECTION 1584. Reference to Acts.

Reference  
to Acts.

#### 1584.

An Act concerning the salaries of officers, passed March 5th, 1850, p. 83, was repealed by Act of May 1st, 1851, p. 444 (though this Act is said, in 2 Cal., p. 165, not to have been passed), and again by Act of May 4th, 1852, p. 49.

An Act defining the compensation of clerks employed by the Secretary, Treasurer, and Controller of State, passed April 4th, 1850, was repealed by Act of May 1st, 1851, p. 444, and again by Act of May 4th, 1852, p. 49. Reference to Acts.

An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22d, 1850, p. 410, amended February 5th, 1851, p. 310, was repealed by Act of May 17th, 1853, p. 179.

An Act concerning the salaries of officers and pay of members of the Legislature, passed May 1st, 1851, p. 444 (said not to have been passed, see 2 Cal., p. 165), was repealed by Act of May 4th, 1852, p. 49.

An Act concerning the salaries of officers and pay of the members of the Legislature, approved May 4th, 1852, p. 49, amended May 15th, 1854, p. 214, was repealed by Act of April 21st, 1856, p. 224.

An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22d, 1850, approved May 17th, 1853, p. 179, amended May 18th, 1853, p. 268, though not expressly repealed, was from time to time changed by special Acts relating to particular counties, and has since been entirely superseded by subsequent legislation. References to these special Acts will be found under the heads of the counties respectively.

An Act concerning the per diem of officers of the Senate and Assembly, passed February 4th, 1854, p. 4; amended May 15th, 1854, p. 215, and again February 8th, 1855, p. 6, was repealed by Act of April 21st, 1856, p. 235.

An Act to establish the salaries of the Judges of the Thirteenth, Fourteenth, and Fifteenth Judicial Districts, and to define the time for holding Courts in said districts, approved April 28th, 1855, p. 182, amended March 26th, 1856, p. 53, has been superseded by subsequent legislation.

An Act to establish the pay of the officers and employés of the Senate and the Assembly, and to repeal the existing laws relating thereto, approved April 21st, 1856, p. 225, was superseded by Act of April 26th, 1858, p. 306.

An Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto, approved April 26th, 1858, p. 306, amended January 19th, 1859, p. 2, was superseded, in part, by Act of April 25th, 1860, p. 270, and in part by Act of February 6th, 1861, p. 9, and entirely with the Acts of April 25th, 1860, and of February 6th, 1861, by the Act of May 20th, 1861, p. 592, which is given under the head of "LEGISLATURE."

#### SALARIES OF STATE OFFICERS.

An Act prescribing the time of payment of the salaries of the officers of State, approved April 1st, 1852, p. 48.

Additional section, approved May 1st, 1852, p. 49.

An Act to reduce and establish the salaries of officers and pay of members of the Legislature, approved April 21st, 1856, p. 224.

Reference  
to Acts.

Amendment, approved April 4th, 1864; Stats. 1863-4, p. 464.

An Act supplementary to and amendatory of an Act concerning offices, approved April 28th, 1851, providing that salaries shall be retained where proceedings are instituted to oust incumbents, approved March 20th, 1860, p. 108.

See "OFFICES AND OFFICERS."

An Act fixing the salaries of State officers and Clerks, approved May 6th, 1861, p. 301.

Amendment approved April 25th, 1863, p. 575.

An Act fixing the number of officers and employés of the Senate and Assembly, to define their duties, and to establish their pay, approved May 20th, 1861, p. 592.

See "LEGISLATURE."

An Act fixing the salaries of the Governor's Private Secretary and of the Clerk of the Executive Department, approved May 2d, 1862, p. 475.

## SALARIES OF JUDICIAL OFFICERS.

An Act to fix the salaries of judicial officers and provide for the payment of the same, approved April 27th, 1863, p. 702.

The salaries of the State officers are now fixed by the Political Code.

## SALARIES OF COUNTY OFFICERS.

References to the Acts relating to salaries of county officers will be found under the heads of the respective counties.

For salaries of county officers see "FEES AND SALARIES."

## CHAPTER CXCLX.

## SALMON.

SECTION 1585. Reference to Acts.

1586. Catching salmon in Eel River, when unlawful.

1587. Landing seines.

1588. Bluff shore.

1589. Center of river.

1590. Violations of Act.

Reference  
to Acts.

## 1585.

An Act to prohibit the erection of weirs or other obstructions to the run of salmon, approved April 12th, 1852, p. 135.

Amendment passed May 10th, 1854, p. 167.

Amendment approved April 30th, 1855, p. 220.

An Act to amend the foregoing Act of April 12th, 1852, passed May 10th, 1854, p. 167.



*An Act to regulate salmon fisheries on Eel River, in Humboldt County.*

[Approved April 18, 1859, p. 298.]

[Enacting clause.]

1586. SECTION 1. It shall be lawful to catch or take salmon from Eel River at any time between the fifteenth day of September and the twenty-fifth day of November, of each year, in any manner and by any means not prohibited by the laws of this State.

Catching salmon in Eel River, when unlawful.

1587. SEC. 2. The owners of land fronting on the above named river shall have the exclusive right and privilege of casting, hauling, and landing seines and nets on their own water front. For the purposes of this Act, all bars, and the bed of said river lying between the lines of the official survey and extreme low-water mark, shall be deemed and held to be the water front of the land owner whose lines border on said river, or run nearest thereto.

Landing seines.

1588. SEC. 3. Where there is a bar or grade suitable for landing seines or nets on one side of the river, and a bold shore and steep, abrupt bank on the other, the owner or owners of the land embracing such bar or grade shall have the exclusive privilege of using the entire width of the river for fishing purposes, at such points or places; *provided, always*, that such owner or owners shall in nowise impede or interfere with the navigation of said river.

Bluff shore.

1589. SEC. 4. Whenever, on both sides of said river there is a bar or grade suitable for landing seines or nets, the owners of the land on each side of said river, embracing such bars or grades, shall exercise fishing privileges and rights to the center of the river at low-water mark.

Center of river.

Violation  
of Act.

1590. SEC. 5. Any person who shall cast, haul, or draw any seine or net on Eel River, for the purpose of catching salmon at any other season than named in this Act, or not having the right to cast, haul, draw, or land such seine or net, as provided in this Act, shall be deemed and held to be a trespasser against the persons whose rights are by this Act fixed and determined, and, in addition to any civil action had thereon, may be convicted of a misdemeanor for every such offense, and punished by fine not less than twenty-five nor exceeding two hundred dollars, or imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the Court.

Political Code, Sec. 19, continues in force the Act to regulate salmon fisheries on Eel River. Penal Code, Secs. 626 to 637, inclusive, supersedes all general laws punishing the unlawful catching of fish.

## CHAPTER CC.

### SAN BERNARDINO COUNTY.

SECTION 1591. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1591.

Boundaries, Stats. 1853, p. 119; 1857, p. 165.

Seat of justice, Stats. 1853, p. 119.

Dividing Los Angeles County and making a new county, to be called San Bernardino, Stats. 1853, p. 119.

Authorizing incorporation of City of San Bernardino, Stats. 1854, p. 61; 1861, p. 508; 1863, p. 36.

Extending time of collecting taxes, Stats. 1856, p. 69; 1858, p. 38.

Providing for arrest and suppression of bands of armed banditti, Stats. 1857, p. 10.

Creating Board of Water Commissioners, and defining their duties, Stats. 1857, p. 63; 1859, p. 217.

Providing for erection of jail, Stats. 1857, p. 126.

Concerning official bonds of Justices of the Peace, Stats. 1857, p. 154.

Defining boundary lines, etc., Stats. 1857, p. 165.

Fixing time of holding terms of Court of Sessions, County Court, and Probate Court, Stats. 1858, p. 100; 1859, p. 137. Reference to special and local Acts.

Fixing salary of District Attorney, Stats. 1858, p. 123; 1859, p. 136; 1861, p. 65; 1863, p. 19.

Fixing amount of official bonds of county officers, Stats. 1858, p. 203.

Extending time for completing assessment roll, and for collecting taxes, Stats. 1859, pp. 16, 19.

To fund the debt, Stats. 1859, p. 43.

Legalizing acts of D. W. Davis, Stats. 1859, p. 52.

Fixing salary of County Judge, Stats. 1859, p. 136; 1861, p. 186.

Legalizing certain acts of Board of Supervisors, as Board of Equalization, Stats. 1859, p. 259.

Legalizing certain records and concerning Recorder, Stats. 1860, p. 82.

Appropriating money to complete certain wells on the Colorado desert, Stats. 1860, p. 310.

Providing for collection of delinquent taxes, Stats. 1861, pp. 75, 416; 1862, p. 308.

Making Clerk ex officio Superintendent of Public Instruction, Stats. 1861, p. 169.

Extending term of office, defining duties and powers in certain cases, and establishing salaries of Board of Supervisors, Stats. 1861, p. 173; 1863-4, p. 35.

Authorizing construction of wagon road in Cajon Pass, Stats. 1861, p. 181.

Authorizing Board of Supervisors to audit and allow claim of V. J. Herring, Stats. 1861, p. 298.

Authorizing Controller of State to make settlement of certain fees with County Treasurer, Stats. 1861, p. 387.

Defining mode of serving civil process, Stats. 1861, p. 480.

Authorizing Board of Supervisors to grant J. J. Warner and others right to construct wagon road from San Bernardino City to Holcomb and Bear Valley, Stats. 1861, p. 524.

Granting right to construct turnpike from Great Bend of Mojave River through Williamson's Pass to Pacific Coast at Buenaventura, Stats. 1862, p. 33.

Concerning Board of Supervisors, Stats. 1862, p. 140; 1863-4, p. 194.

Concerning indebtedness, Stats. 1862, p. 212.

Authorizing construction of wagon road from San Bernardino City through Devil's Cañon to Mojave River, Stats. 1862, p. 232; 1863, p. 251; 1863-4, p. 225.

Providing for better care of indigent sick, Stats. 1862, p. 493.

Authorizing Board of Supervisors to levy special tax, Stats. 1863, p. 17.

Legalizing purchase of building and lot by Board of Supervisors from C. Glaser for county prison, and to set same aside for Court House, Stats. 1863, p. 18.

Fixing salaries and fees of certain officers, Stats. 1863, p. 19.

Authorizing construction of wagon road up City Creek Cañon into Little Bear Valley, Stats. 1863, p. 119.

**Reference  
to special  
and local  
Acts.**

Authorizing and requiring Auditor to make out delinquent tax list, Stats. 1863, p. 258.

Concerning official bond of Public Administrator, Stats. 1863, p. 571.

Granting right to construct wooden or iron railroad from Slate Range Mountains to Kern River, Stats. 1863, p. 696.

Creating Board of Water Commissioners and defining their duties, Stats. 1863-4, p. 87.

Creating special Fund for erection of jail, Stats. 1863-4, p. 190.

Changing and fixing time of holding Probate Court, Stats. 1863-4, p. 395.

Funding debt of, Act amended; Stats. 1866, p. 17; 1870, p. 218.

Construction of wagon roads in; Stats. 1866, p. 29.

Terms of District Courts; Stats. 1866, p. 232.

Telegraph through from San José; Stats. 1866, p. 308.

Board of Supervisors, Act concerning; Stats. 1866, p. 349.

Term of District Court; Stats. 1866, p. 609; 1868, p. 198; 1870, p. 86.

Fees of Constables; Stats. 1866, p. 822.

Roads and highways; Stats. 1868, p. 280; 1870, p. 126.

To refund the funded debt; Stats. 1868, p. 353.

Supervisors' fees and per diem; Stats. 1868, p. 449.

Assessors' compensation; Stats. 1868, p. 444.

Fees and salaries; Stats. 1868, p. 448; 1870, p. 148.

Fees of witness in criminal actions; Stats. 1870, p. 219.

Treasurer to transfer funds; Stats. 1870, p. 27.

Act in relation to herding sheep; Stats. 1870, p. 304.

For the protection of game, Act amended; Stats. 1870, p. 853.

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The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCI.

## SAN DIEGO COUNTY.

## SECTION 1592. Reference to special and local Acts.

## 1592.

Boundaries and seat of justice, Stats. 1850, p. 58; 1851, p. 172.

For relief of County Treasurer, Stats. 1851, p. 316.

Creating Board of Supervisors and defining their duties, Stats. 1852, p. 228; 1855, p. 272; 1856, p. 227; 1861, p. 158.

Relating to San Diego pilots, Stats. 1853, p. 22.

Authorizing Board of Supervisors to levy special tax for erection of County Jail, Stats. 1853, p. 140.

Legalizing assessments, Stats. 1854, p. 46.

To fund the debt and provide for payment of same, Stats. 1855, p. 246; 1856, p. 28; 1859, p. 107.

Legalizing acts of County Recorder while acting as County Auditor since May 3d, 1852; Stats. 1855, p. 272.

Concerning official bonds of Justice of the Peace, Stats. 1857, p. 154.

Relative to Board of Supervisors, Stats. 1858, p. 161.

Fixing amount of official bonds of county officers, Stats. 1858, p. 203.

Authorizing Board of Supervisors to levy special tax for road purposes, Stats. 1858, p. 205.

Concerning official bonds of District Attorney, Surveyor, Coroner, and Public Administrator, Stats. 1859, p. 70.

Granting right to construct bridge across Colorado River at Fort Yuma, Stats. 1859, p. 260.

Authorizing guardians of minor heirs of Edwardo Stokes to sell certain real estate, Stats. 1860, p. 167; 1863-4, p. 402.

Regulating fees of County Clerk, Stats. 1860, p. 290.

Granting right to construct bridge across Colorado River at Fort Yuma, Stats. 1861, p. 268.

Regulating proceedings of Board of Supervisors and defining their duties, Stats. 1862, p. 267; 1863, p. 257.

In relation to office of Superintendent of Common Schools, Stats. 1862, p. 301; 1863-4, p. 295.

Providing for levying, assessing, and collecting cash Contingent Fund, Stats. 1863-4, p. 306.

Granting right to construct and maintain public toll bridge across Colorado River, below junction of Gila River, to A. E. O'Neil and others, Stats. 1863-4, p. 308.

Terms of District Courts, Stats. 1866, pp. 232, 609; 1868, p. 198; 1870, p. 86.

Franchise to J. Miller and others for ferry across Colorado River, Stats. 1866, p. 538.

To fund the debt of, Stats. 1866, p. 859.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

Construction of wharf at New San Diego authorized, Stats. 1868, pp. 26, 28.

Office of Supervisors, Stats. 1868, p. 121.

Government of, Stats. 1868, p. 176.

Supervisors' compensation, per diem, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Notaries Public, Stats. 1870, p. 28.

Wharf franchise to S. S. Culverwell, Stats. 1868, p. 26.

Boundaries, Stats. 1868, p. 604.

Notaries Public to be appointed, Stats. 1870, p. 28.

Roads and highways, Stats. 1870, p. 340.

To district County, Stats. 1870, p. 374.

To legalize certain deeds of grants of land, Stats. 1870, p. 409.

To protect agriculture and prevent trespass of animals, Stats. 1870, p. 410.

To issue bonds to erect county buildings, Stats. 1870, p. 453.

#### CITY OF SAN DIEGO.

Incorporating City of San Diego, Stats. 1850, p. 121; 1852, p. 223.

For relief of indigent sick, Stats. 1852, p. 137.

Repealing the charter and creating Board of Trustees, Stats. 1852, p. 223.

Respecting Trustees, Stats. 1852, p. 225.

Authorizing City Trustees to convey to President and Board of Directors of San Diego and Gila Southern Pacific and Atlantic Railroad Company two leagues of pueblo lands to aid in construction of same, Stats. 1855, p. 206.

Authorizing City Trustees to make regulations prohibiting obstruction, or placing rubbish or filth, or slaughtering of animals, in streets or alleys of Old San Diego, and for sweeping and cleaning the Plaza thereof, Stats. 1855, p. 278.

Concerning San Diego and Gila Southern Pacific and Atlantic Railroad Company, and extending time of performing certain acts, Stats. 1861, p. 270.

To convey certain real estate to the United States, Stats. 1868, p. 8.

To extend police powers, Stats. 1868, p. 535.

Time granted to Gila Railroad Company, Stats. 1868, p. 616.

To donate lands to San Diego and Los Angeles Railroad, Stats. 1870, p. 696.

Confirming certain ordinances as to public grounds, Stats. 1870, p. 49.

Act respecting Trustees, amended, Stats. 1870, p. 50.

To grant further power on Board of Trustees, Stats. 1870, p. 299.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and

the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporation, will be found in the Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

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## CHAPTER CCII.

### SAN FRANCISCO CITY AND COUNTY.

SECTION 1593. Reference to special and local Acts.

#### 1593.

In the following enumeration of Acts of a special and local character relating to the County, and to the City, and to the consolidated City and County of San Francisco, it has been deemed proper, for the purpose of facilitating reference, to group under distinct heads those more especially relating to

Reference  
to special  
and local  
Acts.

- Corporations, Companies, Societies, and Franchises;
- Courts and Jurors;
- Fire Department and Firemen;
- Funding Acts and Funds;
- Inspection Laws;
- Land Acts, Lands and Titles;
- Officers, Salaries and Fees;
- Personal Matters and Claims;
- Pilot, Port, and Harbor Matters;
- Railroads and Marine Railways;
- Road Laws and Roads;
- Schools and Education;
- Taxes and Assessments;
- Wharves and Bridges.

Some of the Acts, especially those conferring power upon the Board of Supervisors, which are generally known as "Omnibus Bills," embrace various different subjects, and must be examined for ascertainment of their complete scope. They will be found noted in the first group.

Reference  
to special  
and local  
Acts.

#### MUNICIPAL GOVERNMENT AND MISCELLANEOUS MATTERS.

Boundaries, Stats. 1850, pp. 59, 156; 1851, p. 174; 1856, p. 145; 1857, p. 209.

Seat of justice, Stats. 1850, pp. 59, 156; 1851, p. 174.

Incorporating City of San Francisco, Stats. 1850, p. 223; 1851, p. 366; 1856, p. 175.

Creating Board of Supervisors, Stats. 1851, p. 32<sup>2</sup>; 1852, p. 89; 1856, p. 175.

Reincorporating city, Stats. 1851, p. 357; 1855, pp. 267, 284; 1856, p. 175.

Authorizing Common Council to purchase or erect City Hall, Stats. 1852, p. 201.

Providing for erection of powder magazine, Stats. 1852, p. 205.

Declaring Mission Creek navigable, Stats. 1854, p. 18.

Providing for settling boundary line between San Francisco, Santa Clara, and Santa Cruz Counties, Stats. 1855, p. 228.

To reincorporate city, Stats. 1855, pp. 251, 284; 1856, p. 175.

#### "CONSOLIDATION ACT."

Repealing the several charters of city, establishing boundaries of city and county, and consolidating the government thereof, Stats. 1856, p. 145; 1857, pp. 209, 253, 311; 1859, pp. 131, 141, 257; 1861, pp. 5, 248, 375, 544; 1862, p. 391; 1863, pp. 54, 525, 540, 724.

Creating San Mateo County, Stats. 1856, p. 176; 1857, p. 225.

To define the powers and duties of Board of Supervisors in certain cases (Finance Committee matters), Stats. 1857, p. 190.

Establishing Industrial School Department, Stats. 1858, p. 166; 1860, p. 73; 1863, pp. 183, 187; 1863-4, pp. 75, 76.

Authorizing Board of Supervisors to change grade of certain streets (First, between Harrison and Bryant streets), Stats. 1861, p. 345.

In relation to the Public Pound, Stats. 1861, p. 369.

Authorizing Board of Supervisors to regulate and license intelligence offices, Stats. 1861, p. 412.

To provide for pay of troops called out by Governor to quell insurrection in 1856; Stats. 1861, p. 499.

Defining further powers and duties of Trustees or managers of State Reform School, and managers of Industrial School Department, Stats. 1861, p. 591.

Conferring additional powers on Board of Supervisors (relating to "City Slip" matters), Stats. 1861, p. 602.

For relief of indigent sick and to confer further powers on Board of Supervisors, Stats. 1862, p. 67.

To prohibit keeping open of markets, and vending of meats, game, vegetables, or other market products on the Sabbath day, Stats. 1862, p. 90.

Giving further powers to Board of Supervisors (in regard to "City Slip" matters), Stats. 1862, p. 265.



Establishing lines and grades of streets in city and county, Stats. 1862, p. 407; 1863, p. 740. Reference  
to special  
and local  
Acts.

Authorizing Mayor and Board of Supervisors to construct sewer in Fifth street, etc., Stats. 1862, p. 451.

Conferring further powers on Board of Supervisors, Stats. 1862, p. 446.

To prohibit keeping open of bath houses, barber shops, and hair dressing saloons during certain hours on Sabbath day, Stats. 1862, p. 479.

Conferring further powers on Board of Supervisors, and Auditor, and Treasurer, and authorizing them to perform certain acts, Stats. 1858, p. 235; 1860, pp. 101, 174, 272; 1861, p. 478; 1863, p. 724.

Providing for Police Contingent Fund, Stats. 1859, p. 57.

Providing for location of slaughter houses, corrals, and cattle pens, Stats. 1859, p. 153.

Providing for payment of judgments against city, county, and city and county, Stats. 1859, p. 157.

Conferring further powers on Board of Supervisors, Auditor, and Treasurer, and authorizing them to perform certain acts (in regard to various claims), Stats. 1859, p. 355; 1861, p. 473.

Authorizing city and county to settle certain claims (in relation to "County Jail lot"), Stats. 1860, p. 59.

To prohibit burning of bricks within certain limits, Stats. 1860, p. 82; 1861, p. 94.

Authorizing President of Board of Supervisors, Auditor, and Treasurer to provide for actual and prospective deficiency in Corporation Debt Fund for fiscal year 1859-60, Stats. 1860, p. 156; 1861, p. 487.

Authorizing Board of Supervisors to modify grade of certain streets (Union and Jones), Stats. 1861, p. 20.

In relation to burning of bricks in city and county, Stats. 1861, p. 94.

Changing time for holding municipal elections, and to define official terms of certain officers, Stats. 1861, pp. 214, 291; 1862, p. 475.

Fixing location of Brady street, Stats. 1861, p. 292.

Conferring further powers on Board of Supervisors (in relation to suit of Minturn vs. Burr), Stats. 1862, p. 517.

Conferring additional powers upon Boards of Supervisors, and Auditor, and Treasurer, Stats. 1863, p. 168.

Establishing female department in County Jail, Stats. 1863, p. 221.

Appropriating money to aid in construction of monument to Hon. D. C. Broderick, Stats. 1863, p. 302.

Conferring further powers upon Board of Supervisors (to regulate police force, etc.), Stats. 1863, p. 540.

Conferring further powers on Board of Supervisors (to lay out and open streets, etc.), Stats. 1863, p. 560.

Conferring further powers on Board of Supervisors (to pay Home of Inebriate two hundred and fifty dollars per month), Stats. 1863, p. 574.

Conferring further powers on Board of Supervisors (to license callings, trades, etc.), Stats. 1863, p. 724.

Reference  
to special  
and local  
Acts.

Authorizing Board of Supervisors to grant right to lay down gas pipes, etc., Stats. 1863, p. 730.

Conferring additional powers on Board of Supervisors, Auditor, and Treasurer (to pay J. D. Carr, etc.), Stats. 1863, p. 764.

Empowering Board of Supervisors to purchase lot and building adjoining City Hall, etc., Stats. 1863-4, p. 42.

To redistrict city and county, Stats. 1863-4, p. 195.

To declare and regulate power of Board of Supervisors to take private lands for certain public improvements (opening streets), Stats. 1863-4, p. 347.

Conferring additional powers on Board of Supervisors, Auditor, and Treasurer (to pay clerk hire of Secretary of Funded Debt Commissioners, etc.), Stats. 1863-4, p. 388.

To establish lines and grades of streets, Stats. 1863-4, p. 460.

Conferring additional powers on Board of Supervisors, Auditor, and Treasurer (for improving squares, etc.), Stats. 1863-4, p. 502.

An Act amendatory of an Act to repeal the several charters, to establish the boundaries, and to consolidate the government of the City of San Francisco, approved April 19th, 1856, p. 145, and as amended by an Act approved May 18th, 1861, p. 375; 1866, p. 436.

To amend and to repeal certain sections of the said Act of 1856, as amended by the foregoing Act, and substituting this Act for Article IV, Stats. 1868, p. 358.

Amendatory of the last foregoing Act, Stats. 1866, p. 549.

To confer power on Supervisors, Stats. 1868, p. 716.

To confer additional powers on Supervisors, Stats. 1868, p. 168.

To declare and regulate the power of Supervisors, approved April 4th, 1864; was amended by Act approved February 1st, 1868, p. 30, but it was subsequently repealed by Act, Stats. 1868, p. 555.

To confer additional powers upon Supervisors, and to authorize appropriations, Stats. 1868, p. 575.

To confer additional powers upon Supervisors, Stats. 1870, p. 104.

To confer additional powers upon the Board of Supervisors, Stats. 1870, p. 127.

To confer additional powers upon the Board of Supervisors, and authorize certain appropriations by said Board, Stats. 1870, p. 221.

Amendatory of the foregoing Acts, Stats. 1870, p. 874; and an Act amendatory of certain sections of the foregoing Acts, and to repeal an Act for paving the streets of San Francisco, approved March 14th, 1868, Stats. 1870, p. 800.

Board of Supervisors, its powers and duties, Stats. 1868, p. 702.

Granting further powers on Board of Supervisors, Stats. 1866, p. 663.

To confer additional powers upon Supervisors, and to authorize certain appropriations, Stats. 1866, p. 82.

To confer additional powers on Supervisors, Stats. 1866, p. 809.

To confer additional powers on Supervisors, and to authorize appropriations, Stats. 1868, p. 160.

To confer further powers upon the Board of Supervisors, Stats. 1870, p. 130.

To confer additional powers upon the Board of Supervisors, Stats. 1870, p. 145.

To confer additional powers upon the Board of Supervisors, and to authorize appropriations of money by said Board, Stats. 1870, p. 240.

To confer additional powers upon the Board of Supervisors, Stats. 1870, p. 234.

To confer additional powers upon the Board of Supervisors, Stats. 1870, p. 712.

To authorize condemnation of private property, Stats. 1870, p. 386.

**CORPORATIONS, COMPANIES, SOCIETIES, AND FRANCHISES.**

Ratifying and confirming ordinance passed June 11th, 1851, authorizing A. D. Merryfield to introduce water, Stats. 1852, p. 200.

Appropriating money for benefit of Orphan Asylums, Stats. 1855, p. 188; 1859, p. 305; 1860, p. 256; 1861, p. 89; 1862, p. 313.

Permitting J. J. Ellet to construct canal across overflowed lands from Belmont to Bay, Stats. 1855, p. 276.

Concerning German General Benevolent Society, Stats. 1857, p. 208.

For relief of San Francisco Gas Company, Stats. 1858, p. 46.

For relief of Mountain Lake Water Company, Stats. 1858, p. 73; 1860, p. 53.

Authorizing construction of telegraph line from San Francisco to Los Angeles, Stats. 1858, p. 73; extended to Fort Yuma, Stats. 1860, p. 306.

Ratifying and approving order No. 46 of Board of Supervisors (concerning introduction of water by San Francisco City Water Works), Stats. 1858, p. 75.

Authorizing G. H. Ensign and others (Spring Valley Water Works) to lay down water pipes in public streets, Stats. 1858, p. 254; 1859, p. 209.

Appropriating money for benefit of San Francisco Ladies' Protection and Relief Society, Stats. 1860, p. 80.

Ratifying and confirming order No. 172 of Board of Supervisors (in relation to San Francisco City Water Works), Stats. 1860, p. 169.

For education and care of indigent deaf, dumb, and blind in State, Stats. 1860, p. 211; 1861, p. 81; 1863-4, p. 397.

Authorizing Board of Supervisors to donate and convey site for institution to be erected for education and care of indigent deaf, dumb, and blind, Stats. 1860, p. 277.

Appropriating money for relief of destitute females in State (Magdalen Hospital), Stats. 1860, p. 278.

Appropriating money for the benefit of the "Home for Care of Inebriates," Stats. 1861, p. 205.

Giving consent of Legislature to distribution of surplus capital stock of a corporation (California State Telegraph Company), Stats. 1861, p. 213.

Authorizing C. S. Higgins and associates to lay down gas pipes, Stats. 1861, p. 354.

To pay Board of Managers of State institution for care and education of indigent deaf, dumb, and blind, Stats. 1862, p. 87.

Reference  
to special  
and local  
Acts.

Reference  
to special  
and local  
Acts.

Appropriating money to Ladies' Relief Society and Samaritan Society, Stats. 1862, p. 435.

Appropriating money to sustain mounted battery of artillery, Stats. 1862, p. 449.

Authorizing E. L. Sullivan and others to lay down gas pipes, Stats. 1862, p. 471; 1863, p. 247.

Appropriating money for erection of building for use of "Home for care of Inebriates," Stats. 1862, p. 488.

Relating to indenturing of minors by San Francisco Ladies' Protection and Relief Society, Stats. 1862, p. 515; 1863, p. 59.

Extending rights and privileges of San Francisco City Water Works, Stats. 1863, p. 225.

Authorizing A. W. Von Schmidt and associates to lay down gas pipes, Stats. 1863, p. 395.

Authorizing William Kohl and associates to establish and maintain a steam ferry (between San Francisco and San Quentin or San Pablo), Stats. 1863, p. 500.

Providing bonds for completing Deaf, Dumb, and Blind Asylum, Stats. 1863, p. 583; 1863-4, p. 397.

Granting right of way and encouraging construction of telegraph to Unionville, Nevada Territory, Stats. 1863, p. 706; 1863-4, p. 431.

Granting right of way for telegraph to Crescent City, Stats. 1863, p. 707; 1863-4, p. 431.

To authorize and sanction consolidation and fusion of certain joint stock associations (Glas and Salinas Water Company, Crystal Springs Water Company, and Spring Valley Water Works), Stats. 1863, p. 745.

Authorizing removal of office and principal place of business of mining and other corporations from Aurora to San Francisco, Stats. 1863-4, p. 109.

For relief of Burning Moscow Gold and Silver Mining Company, Stats. 1863-4, p. 302.

Authorizing Fast Freight and Express Company to change its principal place of business, Stats. 1863-4, p. 486.

Resolution for inquiries into affairs of Deaf, Dumb, and Blind Asylum, Stats. 1863-4, p. 555.

Wilson and others authorized to carry on packing business, Stats. 1866, p. 173.

Franchise to J. Q. A. Tilton and others for turnpike road, Stats. 1866, p. 323.

To authorize the Masonic Hall Association to increase capital stock; became a law by operation of the Constitution, February 13, 1866, p. 100.

To legalize the sale of certain real estate made by the California Bible Society, Stats. 1866, p. 128.

To empower the Board of Supervisors to set apart land for the use of the Seamen's Friend Society, and for the establishment of a Sailor's Home, Stats. 1866, p. 349.

To authorize Charles C. Butler and others to construct a wire suspension bridge from the mainland to Seal Rock, Stats. 1866, p. 445.

Reference  
to special  
and local  
Acts.

To extend the time for the erection of certain gas works, Stats. 1866, p. 852.

To prevent injury to the property of the Protestant Orphan Asylum, Stats. 1868, p. 95.

To change the name of the Howard Street Religious Society, Stats. 1868, p. 268.

Concerning the independent order of Bnai Brith (Sons of the Covenant), Stats. 1868, p. 310.

Concerning Jewish order of Resher Shel Barsell, Stats. 1868, p. 201.

To authorize the Italian Benevolent Association to change its name, Stats. 1868, p. 372.

To provide for increasing the San Francisco Law Library, and to secure the use of the same to the Courts, the bar, the city and county government, and the people of the City and County of San Francisco, Stats. 1870, p. 235.

To aid the Mercantile Library Association in paying its indebtedness, Stats. 1870, p. 90.

Granting privileges to N. B. and M. R. R. Company, Stats. 1870, p. 301.

To authorize the Odd Fellows' Cemetery Association to borrow money for certain purposes, and to secure the same by mortgage, Stats. 1870, p. 315.

For the relief of the San Francisco Cadets, Stats. 1870, p. 224.

Concerning orphan asylums, Stats. 1870, p. 334.

Authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out, and give away children coming under their care, Stats. 1870, p. 338.

To authorize deed of lot to Veterans of Mexican War, Stats. 1870, p. 413.

Relating to the Home of the Inebriate, to prescribe the powers and duties of the Board of Managers and officers thereof, Stats. 1870, p. 585.

To extend time to Southern Pacific Railroad Company to make their terminus, Stats. 1870, p. 669.

To authorize the Saucelito Land and Ferry Company to establish and maintain a public ferry, Stats. 1870, p. 728.

Appropriations to charitable institutions, Stats. 1870, p. 778.

For the regulation of sailors' boarding houses and of shipping offices, Stats. 1870, p. 241.

Concerning the Magdalen Asylum, Stats. 1870, p. 580.

In relation to sales made by Pacific Savings and Homestead Association, Stats. 1870, p. 866.

#### COURTS AND JURORS.

Establishing a Municipal Court, to be called the Superior Court of City, Stats. 1850, p. 159; 1851, pp. 15, 30, 33; 1853, p. 292; 1857, p. 128.

Fixing terms of Superior Court, Stats. 1850, p. 257; 1851, p. 30.

Reference  
to special  
and local  
Acts.

Relative to Fourth District Court (concurrent jurisdiction with it of Court of Sessions in certain cases), Stats. 1851, p. 314.

Authorizing transfer of causes from Superior Court, Stats. 1853, p. 34.

To abolish Superior Court and provide for transfer of records, books, papers, actions, etc., Stats. 1857, p. 128.

Prescribing mode of drawing grand jurors and trial jurors, Stats. 1857, p. 168; 1858, p. 155; 1859, p. 190; 1861, p. 576.

Act allowing percentage on amount recovered in suits, Stats. 1858, p. 231.

Changing venue in case of Horace Smith, Stats. 1861, p. 47.

Authorizing Board of Supervisors to procure chambers for Judges of certain Courts, Stats. 1861, p. 152; 1862, p. 4.

Providing for appointment of Commissioners in Equity, Stats. 1861, pp. 183, 525.

Exempting city and county from giving undertakings in certain cases, Stats. 1861, p. 350.

In relation to the Probate Court, Stats. 1861, p. 509; 1863-4, p. 70.

Concerning jurors in city and county, Stats. 1861, p. 573; 1863, p. 614.

Concerning Police Judge's Court (declaring it not a Court of record), Stats. 1863, p. 739.

Prescribing jurisdiction of Police Judge's Court, Stats. 1863-4, p. 30.

To limit time of commencement of certain actions (concerning Van Ness Ordinance), Stats. 1863-4, pp. 149, 435.

Providing for Probate or County Judge to examine insane patients, etc., Stats. 1863-4, p. 279.

Concerning fees of jurors and witnesses, Stats. 1863-4, p. 365.

Police Court, Act respecting, Stats. 1866, p. 1.

Probate Judge to receive reports of decisions of Supreme Court, Stats. 1866, p. 156.

To organize and regulate the Justices' Court, Stats. 1866, p. 423; and an Act amendatory thereof, approved February 10th, 1870, p. 56.

To provide for the dockets of the former Justices of the Peace, and issuing process on the same, Stats. 1868, p. 276.

To authorize the Justices of the Peace to appoint a janitor for their Court rooms, Stats. 1868, p. 679.

To establish a Municipal Criminal Court, Stats. 1870, p. 528.

To define the powers of Justices of the Peace within the City and County of San Francisco, in criminal cases, Stats. 1870, p. 674.

To fix the terms for holding the Municipal Criminal Court, and to provide for trials by jury therein, Stats. 1870, p. 823.

#### FIRE DEPARTMENT AND FIREMEN.

Relating to member of fire companies, Stats. 1853, p. 60.

To regulate Fire Department, Stats. 1855, p. 223; 1858, p. 209.

To regulate Fire Department of city and county, Stats. 1857, p. 88; 1858, p. 209; 1862, pp. 183, 542.

Providing for purchase and erection of hydrants, Stats. 1859, p. 87.

Providing for administration of Fire Bond Sinking Fund, Stats. 1859, p. 212.

Reference  
to special  
and local  
Acts.

Relating to payment of Stewards for Fire Department, Stats. 1861, pp. 94, 303.

Authorizing Board of Supervisors to appropriate one thousand three hundred dollars to Volunteer Engine Company No. 7, Stats. 1862, p. 66.

In relation to Exempt Fire Company, Stats. 1863, p. 98.

City and county excepted from Act supplementary to Act exempting firemen from militia service and jury duty, Stats. 1863-4, p. 256.

Providing for prevention of conflagration, and protection of property saved from fire (Fire Marshal Act), Stats. 1863-4, p. 299.

To establish a paid fire department, Stats. 1866, p. 138.

An Act amendatory and supplementary thereto, Stats. 1866, p. 866 ; and an Act amendatory thereof, Stats. 1868, p. 114; and an Act amendatory and supplemental thereto, Stats. 1870, p. 303.

To provide for the exemption of the members of the San Francisco Fire Department from military and jury duty, Stats. 1866, p. 852.

To authorize the Exempt Fire Company of San Francisco to receive and manage the San Francisco Fire Department Charitable Fund, and receive from the City and County of San Francisco a house and lot for its use, Stats. 1866, p. 851.

To provide for the prevention of conflagrations and the protection of property saved from fire, Stats. 1866, p. 79.

An Act to amend the foregoing Act, Stats. 1868, p. 280.

#### FUNDING ACTS AND FUNDS.

Authorizing funding of floating debt of city, and providing for payment, Stats. 1851, p. 387; 1857, p. 207; 1858, p. 178; 1860, p. 347.

To fund floating debt of county, Stats. 1852, p. 197.

Providing for funding legal and equitable debt of city, and for final redemption of same, Stats. 1855, p. 285.

Authorizing execution of a bond under Act for funding debt of city, Stats. 1857, p. 153.

Authorizing Board of Supervisors to provide for compensation due Board of Examiners (under funding Act of May 7th, 1855), Stats. 1857, p. 347.

Authorizing Fund Commissioners and Chairman of Board of Examiners to sign certain papers and issue certain bonds, Stats. 1858, p. 71.

Providing for funding and payment of outstanding unfunded claims against city and against county as they existed prior to July 1st, 1856, Stats. 1858, p. 183; 1859, p. 64; 1860, p. 282; 1861, pp. 528, 598.

Providing for payment of coupons for interest, to be issued under funding Act of April 20th, 1858, Stats. 1859, p. 312.

Authorizing Commissioners of Funded Debt of city to reissue certain bonds to J. B. Dickinson, Stats. 1860, p. 2.

For relief of administrator of Thomas Manchester, deceased (in relation to funded debt bonds), Stats. 1860, p. 149.

**Reference  
to special  
and local  
Acts.**

Providing for examination and payment (funding) of certain claims (of J. Yerkes and J. White), Stats. 1860, p. 336.

Authorizing Funded Debt Commissioners to reissue certain city and county bonds to N. C. Efford, Stats. 1861, p. 406.

Authorizing Commissioners of Funded Debt of city to compromise and settle certain claims to real estate, and convey such real estate, Stats. 1862, p. 217; 1863, p. 69; 1863-4, p. 474.

Commissioners of Funded Debt to compromise with claimants, Stats. 1866, p. 686.

To amend an Act to authorize the funding of the floating debt, and to provide for the payment of the same, passed May 1st, 1851, and the several Acts amendatory thereof, Stats. 1868, p. 145.

To provide funds for the school department, Stats. 1866, p. 302.

To authorize the Board of Supervisors to provide funds for any deficit in the school department, Stats. 1868, p. 424.

To provide funds for the school department, Stats. 1870, p. 80.

To provide funds to be applied to building a hospital, Stats. 1868, p. 458.

To regulate the distribution of the Police Fund, Stats. 1870, p. 579.

**INSPECTION LAWS.**

Providing for inspection of steamboats, Stats. 1850, p. 197; 1851, p. 424.

Providing for inspection of flour, Stats. 1852, p. 129; 1853, p. 272; 1854, p. 3.

Providing for appointment of Gauger, Stats. 1852, p. 131.

Providing for measurement of lumber, Stats. 1853, p. 131.

Providing for Deputy County Sealer of Weights and Measures, Stats. 1861, p. 346 (refers to Stats. 1861, p. 86); 1863, p. 737.

Providing for Inspectors of Stamps, Stats. 1862, pp. 248, 539.

Providing for appointment of a Measurer of Wood in and for city and county, Stats. 1862, p. 470; 1863, p. 743.

Providing for inspection and sealing gas meters and protection of consumers of illuminating gas, Stats. 1863, p. 647.

Providing for appointment of Weigher of Coal, Stats. 1863, p. 765.

**LAND ACTS, LANDS, AND TITLE.**

Providing for disposition of certain property of State (beach and water lots), Stats. 1851, pp. 307, 311; 1853, p. 36.

Preventing city from selling or disposing of lots within its limits, Stats. 1851, p. 327.

Providing for sale of interest of State in property within water-line front of city, Stats. 1853, p. 219; 1855, p. 226; 1858, p. 139.

Authorizing Governor to convey certain property in city to United States (Government Block), Stats. 1854, p. 149.

Concerning records in Recorder's office (authorizing J. A. Clark to sign records for T. B. Russum), Stats. 1855, p. 115.

Authorizing certain Chinese companies to sell and convey certain real estate, Stats. 1855, p. 202.



Authorizing administrator and administratrix of Archibald A. Ritchie, deceased, to sell real estate, Stats. 1857, p. 5.

Reference  
to special  
and local  
Acts.

Authorizing executrix and executors of William D. M. Howard, deceased, to sell real estate, Stats. 1857, p. 123.

Legalizing certain conveyances (by Commissioners of Funded Debt of city), Stats. 1857, p. 200.

Authorizing executors of Joseph L. Folsom, deceased, to sell real estate, Stats. 1857, p. 246.

Authorizing Priscilla H. Denham to sell certain real estate of her infant children, Stats. 1857, p. 324.

Authorizing executor and administrator of John Ellüg, deceased, to sell real estate, Stats. 1858, p. 39.

**"VAN NESS ORDINANCE."**

Concerning city and ratifying and confirming certain ordinances of Common Council (concerning Western Addition lands), Stats. 1858, p. 52.

Authorizing executors of I. C. Christian Russ, deceased, to sell real estate, Stats. 1858, pp. 60, 293.

Authorizing and empowering city and county to convey to United States site for lighthouse at Point Lobos, Stats. 1858, p. 70.

Legalizing certain conveyances made by Commissioners of Sinking Fund, Stats. 1858, p. 84.

Authorizing guardian of minor children of Guadalupe G. de Noe, deceased, to sell and dispose of their real estate and chattels real, Stats. 1858, p. 176.

Authorizing Treasurer to execute certain deeds and cancel certain claims, Stats. 1858, p. 322; 1860, p. 157.

Providing for sale of certain property of State within water-line front of city and county, Stats. 1858, p. 323.

Authorizing executors of Thomas O. Larkin, deceased, to sell personal property, Stats. 1859, p. 14.

Authorizing administrator of George McDougal, deceased, to sell and convey real property, Stats. 1859, p. 54.

Authorizing executors of Thomas O. Larkin, deceased, to sell and convey certain real estate, Stats. 1859, p. 154.

Legalizing acknowledgments of instruments in writing heretofore taken by any Deputy Clerk of late Superior Court or by any Deputy Recorder in State, Stats. 1859, p. 212.

For relief of heirs of David Morgan, Stats. 1860, p. 29.

Authorizing executrix of William Hart, deceased, to sell real estate, Stats. 1860, p. 83.

Authorizing Jeremiah V. Hollinsead to convey certain real estate (homestead where wife insane), Stats. 1860, p. 154.

Authorizing administrator of Albert Wardwell, deceased, to sell real estate, Stats. 1860, p. 210.

Authorizing executrix of William B. Olds, deceased, to sell real estate, Stats. 1860, p. 259.

Reference  
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and local  
Acts.

Authorizing administrator of James Blair, deceased, to sell real estate, Stats. 1860, p. 316.

For relief of heirs of Patrice Dillon, deceased, Stats. 1860, p. 329.

Authorizing Masonic Hall Association to sell, mortgage, and convey certain real estate, Stats. 1861, p. 3.

Changing name of Elise C. Audin to Elise C. Vernard, and regulating distribution of certain property, Stats. 1861, p. 8.

Authorizing executrix and executor of Frederick P. Tracy, deceased, to sell real estate, Stats. 1861, p. 39.

Conferring certain powers on Board of Supervisors (to employ counsel in "City Slip Suits"), Stats. 1861, p. 59.

Authorizing executor of Henry Mathey, deceased, to sell real estate, Stats. 1861, p. 71.

Authorizing administratrix of Michael T. O'Connor, deceased, to sell and convey real estate, Stats. 1861, p. 315.

Authorizing administrators of Gilbert A. Grant, deceased, to sell and convey real estate, Stats. 1861, p. 377; Stats. 1862, p. 551.

Authorizing John F. Pope, guardian of Overton C. Pope, a minor, to sell certain real estate, Stats. 1861, p. 514.

Authorizing administrator of Joseph K. Irving, deceased, to sell real estate, Stats. 1861, p. 524.

Authorizing administrators of William Corbett, deceased, to sell real estate, Stats. 1861, p. 657.

Authorizing B. F. Washington to dispose of certain interests (of his infant children) in a house and lot, Stats. 1862, p. 14.

Authorizing guardian of minor children of Isaac T. Mott, deceased, to convey their real estate, Stats. 1862, p. 142.

Authorizing and empowering guardian of Albert Dorente, a minor, to sell real estate, Stats. 1862, p. 149.

Authorizing guardian of Franklina C. Gray, a minor, to compromise certain claims and convey certain real estate, Stats. 1862, p. 159.

Authorizing administrator of Daniel B. Mosby to sell real estate, Stats. 1862, p. 160.

Authorizing Governor to convey certain real estate to Barbara Cunningham, Stats. 1862, p. 236.

Authorizing Mrs. Mary Comstock and her minor children to sell their homestead, Stats. 1862, p. 294.

Authorizing and empowering José L. de J. M. Piña, a minor, to dispose of his interest in certain real estate, Stats. 1862, p. 312.

Authorizing guardian of Jonetta M. Ingram, a minor, to sell real estate, Stats. 1862, p. 312.

Authorizing Board of Trustees of Society of California Pioneers to sell, mortgage, and convey certain real estate, Stats. 1862, p. 469.

Authorizing administrator of George S. Steere, deceased, and guardian of minor heirs of same, to sell real estate, Stats. 1862, p. 512.

Legalizing and confirming certain instrument recorded in County Recorder's office (power of attorney), and authorizing O. A. Palmer, as

attorney of Lewis and Emily S. Meyer, to convey certain lands, Stats. 1862, p. 513.

Reference  
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Authorizing Mechanics' Institute to sell, mortgage, and convey real estate, Stats. 1863, p. 290.

Ratifying and confirming a certain indenture of extension and renewal of indenture of lease to E. Minturn, Stats. 1863, p. 307.

Authorizing executors of John W. Wilde, deceased, to sell and convey certain real estate, Stats. 1863, p. 321.

Authorizing sale and conveyance to South San Francisco Homestead and Railroad Association of certain overflowed lands (at Hunter's Point), Stats. 1863, p. 487.

Authorizing administrator of Fannie E. Gillespie, deceased, to sell and convey real estate, Stats. 1863, p. 497.

Authorizing city and county to convey certain real estate to State (for Deaf, Dumb, and Blind Asylum), Stats. 1863-4, p. 260.

Authorizing sale and conveyance to Golden City Homestead Association of certain overflowed lands (at Potrero Nuevo), Stats. 1863-4, p. 463.

Authorizing sale and conveyance to North San Francisco Homestead and Railroad Association of certain overflowed lands (near Golden Gate), Stats. 1863-4, p. 482.

United States lands in San Francisco exempt from taxation, Stats. 1868, p. 67.

Authorizing final judgment quieting title to lands in the City and County of San Francisco to be recorded, approved March 31st, 1866, p. 531.

To authorize the sale and conveyance to William Alvord and others, of certain overflowed lands in the City and County of San Francisco, Stats. 1866, p. 841.

To authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works, Stats. 1868, p. 60.

To authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco, Stats. 1868, p. 432.

To authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to carry on the business of slaughtering beef cattle, hogs, sheep, and calves thereon, Stats. 1868, p. 625.

To authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May 3d, 1854, entitled an Act to authorize the Governor of the State to convey certain property in the City and County of San Francisco to the United States for certain purposes, Stats. 1868, p. 687.

To expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof, Stats. 1870, p. 353.

Reference  
to special  
and local  
Acts.

To provide for the sale and conveyance of certain submerged lands to Henry B. Tichenor, Stats. 1870, p. 801.

To decrease the expenses of land litigation in San Francisco, Stats. 1870, p. 862.

#### OFFICERS, SALARIES, AND FEES.

Concerning office of Public Administrator, Stats. 1851, p. 316.

Concerning salary of District Attorney, Stats. 1852, p. 200.

Defining duties of Clerk of Superior Court, Stats. 1852, p. 207.

Limiting compensation of Board of Supervisors, Stats. 1853, p. 198.

Providing for payment of salary of District Attorney, Stats. 1855, p. 208.

Concerning office (hours) of County Recorder, Stats. 1856, p. 18.

Concerning salary of County Judge, Stats. 1857, p. 18.

Prescribing time for electing Supervisors, School Directors, and President of Board of Supervisors, and fixing their terms of office, Stats. 1857, p. 345.

Regulating fees in office, Stats. 1858, p. 231.

Concerning the offices of County Clerk, Sheriff, and County Recorder (salaries, etc.), Stats. 1858, p. 239; 1859, p. 92.

Relating to Coroner (executing orders and process in place of Sheriff), Stats. 1859, p. 8.

Allowing compensation to Coroner for certain services (chemical analyses), Stats. 1859, p. 36.

Concerning offices of County Clerk, Sheriff, and County Recorder salaries, deputies, Special Fee Fund, etc.), Stats. 1859, p. 89; 1860, p. 309; 1861, p. 559; 1863-4, p. 114.

Changing time of holding municipal elections, etc., Stats. 1861, pp. 214, 291; 1862, p. 475.

Fixing and regulating fees and salaries of officers, Stats. 1861, pp. 554, 560; 1862, p. 239; 1863-4, p. 515.

Providing for an attorney and counselor, Stats. 1862, p. 98; 1863, p. 771.

Concerning salary and fees of Coroner, Stats. 1862, p. 138; 1863-4, p. 161.

Concerning office of County Clerk, Stats. 1862, p. 566.

In relation to office of Assessor, Stats. 1863-4, p. 43.

Concerning the office of County Clerk, Stats. 1863-4, p. 135.

City and county excepted from Act making County Clerk ex officio Recorder and Auditor, Stats. 1863-4, p. 187.

Authorizing Sheriff to appoint Matron for County Jail (to have charge of female department), Stats. 1863-4, p. 474.

Authorizing State Treasurer to settle with J. S. Paxson, City and County Treasurer, Stats. 1863-4, p. 522.

County Clerk, respecting office of, Stats. 1866, p. 66; 1868, p. 68.

Fees of office, Act regulating, Stats. 1866, p. 66.

To authorize the Assessor of San Francisco to appoint deputies, Stats. 1868, p. 39; 1870, p. 23.

In relation to the office of Assessor, Stats. 1866, p. 477.

For the relief of certain deputies and assistants of the County Clerk, Stats. 1868, p. 87. Reference  
to special  
and local  
Acts.

Concerning the office of the County Clerk, Stats. 1870, p. 511.

Concerning the salary and fees of the Coroner, Stats. 1866, p. 625.

To confer further powers on the Mayor of the city, Stats. 1870, p. 650.

To confirm a certain deed of the Public Administrator, Stats. 1866, p. 532.

To authorize the County Recorder to appoint an additional deputy, Stats. 1868, p. 348.

Concerning the office of Sheriff, Stats. 1866, p. 624.

In relation to the office of Sheriff, Stats. 1868, p. 220.

Further to define the powers and duties of the Sheriff, Stats. 1870, p. 653.

In relation to the office of Tax Collector, Stats. 1866, p. 583.

To authorize the Tax Collector to appoint certain deputies and clerks in lieu of those now allowed by law, Stats. 1868, p. 292.

Concerning the fees of jurors and witnesses, Stats. 1866, p. 122.

To provide and pay for services rendered for the City and County of San Francisco; became a law by a constitutional majority of both Houses over the Governor's objections, March 4th, 1870, p. 146.

To fix and regulate salary of Auditor's clerk and Deputy Treasurer, Stats. 1870, p. 122.

#### PERSONAL MATTERS AND CLAIMS.

For relief of J. D. Carr, Stats. 1852, p. 251.

Authorizing Board of Supervisors to allow, confirm, and direct the auditing of certain claims (of Messrs. Hoge, Duer, Haight, and others, respectively), Stats. 1857, p. 271.

For relief of Hugh O'Donnell, Stats. 1858, p. 191.

Empowering Board of Supervisors and Auditor to allow and audit certain claim (of Lewis Teal), Stats. 1858, p. 221.

For relief of John C. Hays, late Sheriff, Stats. 1858, p. 325.

For relief of Moses Scott, Jr., Stats. 1859, p. 6.

For relief of Henry L. Davis, Stats. 1859, p. 13.

Authorizing and directing Board of Supervisors to pay, out of General Fund, certain claims (of H. M. Willis), Stats. 1859, p. 19.

Authorizing payment of various claims (of S. R. Gerry, Philip Martin, Harriet Lincoln, and others), Stats. 1859, p. 353; 1861, p. 473.

Authorizing compromise, liquidation, and payment to F. M. Haight, for legal services, Stats. 1860, p. 4.

For relief of D. O. Shattuck, Stats. 1860, p. 28.

For relief of John C. Hays, late Sheriff, Stats. 1860, p. 143.

For payment of claim of M. Calkin, Stats. 1860, p. 143.

For payment of claim of C. P. Duane, Stats. 1860, p. 144.

For payment of expenses of reception and entertainment of Japanese Embassy, Stats. 1860, p. 146.

Authorizing Board of Supervisors to pay claims (of M. S. Neefus and others), Stats. 1860, p. 257.

Reference  
to special  
and local  
Acts.

To reimburse to Mary B. Russell certain moneys expended by the Sisters of Mercy for burial of dead, Stats. 1861, p. 156.

For relief of John Duane, Stats. 1861, p. 218.

For relief of Lewis Teal, late Tax Collector, Stats. 1861, p. 345.

Authorizing Board of Supervisors to pay claims of G. Hossefross, F. E. R. Whitney, and A. J. Gladding, Stats. 1861, p. 405.

Authorizing Board of Supervisors to pay judgment of James Lang, Stats. 1861, p. 486.

For relief of William P. Sayward, Stats. 1862, p. 274.

Authorizing Board of Supervisors to examine (and order paid) certain claims (of C. Eastman and others), Stats. 1862, p. 459.

Authorizing payment of rent of Merchants' Exchange while occupied by Legislature, Stats. 1862, p. 563.

Authorizing Board of Supervisors to pay claim of Benjamin O. Devoe, Stats. 1863, p. 221.

Providing for payment of judgment of John Dunn against city, Stats. 1863-4, p. 228.

For the relief of J. R. Traverse, Stats. 1866, p. 771.

To authorize the executors of Joseph L. Folsom, deceased, to sell real estate at private sale, without notice, became a law by the operation of the Constitution, March 8th, 1866, p. 191.

To authorize Charles P. Duane to sue the City and County of San Francisco, Stats. 1866, p. 452.

To authorize the guardian of the minor children of John K. Osgood, deceased, to sell and convey their real estate, Stats. 1866, p. 528.

Concerning the Sheriff's advertising, Stats. 1868, p. 267.

To authorize the Board of Supervisors to pay a certain claim of P. W. Van Winkle, Stats. 1870, p. 82.

To authorize Bridget Stannah, administratrix, to sell real estate at public or private sale, Stats. 1870, p. 93.

For the relief of Creighton and others, Stats. 1870, p. 309.

For the relief of Murphy and others, Stats. 1870, p. 522.

Granting leave of absence to T. H. Holt, Auditor, Stats. 1870, p. 450.

#### PILOT, PORT, AND HARBOR MATTERS.

Establishing pilots and pilot regulations, Stats. 1850, p. 65 (refers back to 1850, p. 46); Stats. 1852, p. 201; 1854, p. 232; 1855, p. 119; 1858, p. 174; 1860, p. 220; 1861, p. 597.

Regulating duties of Harbormaster, etc., Stats. 1850, p. 85; 1852, p. 203; 1857, p. 103.

Creating Officers of Health for port of San Francisco and defining their duties, Stats. 1850, p. 162; 1851, p. 314.

Providing for creation of Marine Hospital for State, Stats. 1850, pp. 164, 343; 1851, pp. 521, 511; 1852, pp. 83, 140; 1853, pp. 208, 287.

Regulating quarantine of vessels at port, Stats. 1850, p. 167; 1851, p. 321.

Creating Port Wardens, Stats. 1850, p. 196; 1853, p. 46.

Providing revenue for State Marine Hospital, Stats. 1851, pp. 208, 384; 1852, pp. 45, 83; 1853, pp. 208, 267, 287; 1854, p. 138.

Reference  
to special  
and local  
Acts.

Concerning passengers, Commissioner of Emigrants, and Superintendent of Immigration, and Commissioner of Immigration, Stats. 1852, p. 78; 1853, p. 71; 1860, pp. 32, 58; 1862, p. 486; 1863, p. 150; 1863-4, p. 365.

Relative to Port Wardens, Stats. 1853, p. 44.

Abolishing State Hospital and providing for liquidating indebtedness of same, Stats. 1853, p. 208.

Providing for establishment of State Marine Hospital and for indigent sick, Stats. 1853, p. 281; 1855, p. 47.

Providing for settlement of affairs of State Marine Hospital and for disposal of property, Stats. 1855, pp. 120, 162.

Concerning Harbormaster of port, Stats. 1857, p. 100.

Authorizing Board of Supervisors to provide for paying expenses of survey of harbor, Stats. 1861, p. 170.

To establish pilots and pilot regulations for port, Stats. 1861, p. 594; 1863, p. 249; 1863-4, p. 393.

For preservation of seals or sea lions at and near entrance of harbor, Stats. 1863, p. 330.

Authorizing Board of State Harbor Commissioners to employ counsel, Stats. 1863-4, p. 260.

Establishing pilots and pilot regulations for ports of San Francisco, Mare Island, and Benicia, Stats. 1863-4, p. 389.

Establishing police regulations for harbor and authorizing and empowering Board of Supervisors to regulate same, Stats. 1863-4, p. 446.

Amendatory of and supplementary to an Act for the preservation of seals and sea lions at and near the entrance to the Harbor of San Francisco, approved April 18th, 1863, p. 633.

To establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the city and county, Stats. 1866, p. 740.

Another Act to the same effect, Stats. 1870, p. 716.

To authorize the Board of State Harbor Commissioners to lease a portion of the water front, Stats. 1866, p. 853.

Conferring further powers on Harbor Commissioners, Stats. 1868, p. 217.

State Harbor Commissioners to lease a portion of water front, Stats. 1870, p. 799.

To provide for the protection of the harbor, Stats. 1868, p. 234.

To empower the Board of State Harbor Commissioners to lease a portion of the water front to the Merchants' Floating Dry Dock Company, Stats. 1868, p. 373.

To authorize the Board of State Harbor Commissioners to lease a portion of the water front, Stats. 1868, p. 408.

To authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease, Stats. 1868, p. 409.

To establish pilots and pilot regulations for port, Stats. 1870, p. 344.

Reference  
to special  
and local  
Acts.

Granting certain rights and water privileges to the California Dry Dock Company, Stats. 1868, p. 422.

To confer certain powers upon the State Harbor Commissioners, Stats. 1868, p. 715.

#### RAILROADS AND MARINE RAILWAYS.

Granting to Thomas Hayes and others right of laying railroad track along certain streets (Market Street Railroad), Stats. 1857, p. 178; 1858, p. 64; 1861, p. 222; 1863, p. 226.

Authorizing Board of Supervisors to subscribe to stock of San Francisco and San José Railroad Company, Stats. 1860, p. 233.

To provide for a railroad within city and county (Omnibus Railroad), Stats. 1861, p. 187; 1863, p. 115.

To provide for street railroads within city and county (Allen franchise of North Beach and Mission Railroad), Stats. 1861, p. 190; 1863, p. 116; 1863-4, p. 293.

To grant right of way for railroad track within corporate limits of city and county (Tucker franchise of North Beach and Mission Railroad), Stats. 1861, p. 193; 1863, pp. 116, 576; 1863-4, p. 293.

Authorizing Board of Supervisors to take and subscribe three hundred thousand dollars to stock of San Francisco and San José Railroad Company, etc., Stats. 1861, p. 198.

Granting right to construct and maintain railroad through certain streets in Oakland (and to Yerba Buena Island), Stats. 1861, p. 656.

Authorizing Henry Owens to construct marine railway at foot of Shasta street, Stats. 1862, p. 308.

Providing for railroad within city and county (Central Railroad), Stats. 1862, p. 412; 1863, p. 117; 1863-4, p. 35.

Authorizing Board of Managers of Industrial School Department to grant and convey to San Francisco and San José Railroad Company right of way through land belonging to department, Stats. 1862, p. 438.

Authorizing construction of marine railway (on Protrero Nuevo by J. J. North), Stats. 1862, p. 474.

Granting right of way for railroad track within corporate limits to John S. Williams and associates, Stats. 1862, p. 532; 1863, p. 227.

Granting right of way for railroad track within limits of city and county (to A. J. Bryant and others), Stats. 1863, p. 362.

Providing for street railroad within city and county (franchise of I. Rowell and others), Stats. 1863, p. 376.

Authorizing Board of Supervisors to take and subscribe one million dollars to stock of Western Pacific Railroad Company and Central Pacific Railroad Company, Stats. 1863, p. 380; 1863-4, p. 388.

Providing for construction of street railroad and tunnel through Russian Hill, Stats. 1863, p. 392.

Granting right to construct and maintain railroad on certain streets (to S. H. Parker and others), Stats. 1863, p. 403; 1863-4, p. 507.

Authorizing W. F. Nelson and associates to lay down and maintain railroad within the city and county, Stats. 1863, p. 455.



Providing for railroad through certain streets (franchise to F. A. Hassey and others), Stats. 1863, p. 649.

Reference  
to special  
and local  
Acts.

In relation to water front adjacent to block No. 9 (giving H. B. Tichenor and R. G. Bixbee right to use same for marine railway and dry dock), Stats. 1863-4, p. 294.

Conferring certain powers on Board of Supervisors in relation to interest and stock held in San Francisco and San José Railroad, Stats. 1863-4, p. 437.

Supplementary to an Act to provide for a street railroad and other matters relating thereto, approved April 21st, 1863; Stats. 1866, p. 602.

An Act supplementary to the same Act of 1863, Stats. 1868, p. 574.

An Act amendatory of this latter Act of 1868, p. 574, approved March 13th, 1870, p. 302.

Supplemental to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, approved April 22d, 1863; Stats. 1866, p. 348.

An Act supplemental and amendatory to this last aforesaid Act of 1866, p. 348; Stats. 1868, p. 322.

Authorizing a change of the route of the North Beach and Mission Railroad Company, Stats. 1866, p. 687.

Granting to certain persons therein named the right to lay a railroad track along certain streets, Stats. 1866, p. 749.

An Act amendatory thereto, Stats. 1868, p. 475.

To provide for a railroad within the City and County of San Francisco, Stats. 1866, p. 475.

To amend an Act entitled an Act to grant the right of way for a railroad track, of April 20th, 1863; Stats. 1866, p. 837.

To regulate the rates of fare and paving on certain street railroads, Stats. 1866, p. 849.

Amendatory of and supplemental to an Act to provide for a railroad within the City and County of San Francisco, passed April 17th, 1861, and the Act amendatory thereof, passed March 28th, 1863; Stats. 1866, p. 861.

Concerning railroad companies in the City and County of San Francisco, Stats. 1868, p. 204.

To grant to certain persons the right of way for a railroad track, and to run horse cars thereon, Stats. 1868, p. 376.

Authorizing Robert Betge and others to lay down and maintain a railroad, Stats. 1868, p. 470.

An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company, Stats. 1868, p. 473.

An Act amendatory thereof, Stats. 1870, p. 525.

To authorize the Central Railroad Company of San Francisco to construct and maintain a railroad, and to grant certain privileges named therein, Stats. 1868, p. 711.

Granting to Market Street Railroad Company of San Francisco certain rights and privileges, Stats. 1868, p. 607.

Reference  
to special  
and local  
Acts.

In relation to Omnibus Railroad Company; became a law by constitutional provision, Stats. 1870, p. 246.

To equalize the rates of fares of the City Railroad Company with certain other street railroad companies; became a law by constitutional provision, Stats. 1870, p. 407.

Granting certain privileges to the N. B. and M. R. R. Co., Stats. 1866, p. 306.

Another Act to the same effect, Stats. 1868, p. 278.

Another Act with the same title, Stats. 1868, p. 312.

Another Act with the same title, Stats. 1870, p. 623.

Granting certain privileges to the Central Railroad Company; became a law by constitutional provision, Stats. 1870, p. 624.

Granting certain privileges to the Potrero and Bay View Railroad Company, Stats. 1870, p. 679.

To empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes, Stats. 1870, p. 707.

Franchise to Lewis and others for railroad, Stats. 1868, p. 312.

#### ROAD LAWS AND ROADS.

Ratifying ordinance passed by city, November 18th, 1850, authorizing building of plank road to Mission, Stats. 1851, p. 327.

Ratifying and confirming ordinance passed by city, March 7th, 1853, authorizing building of plank road along Folsom street, Stats. 1853, p. 199.

Granting right of way over certain lands in San Francisco and San Mateo Counties (to D. S. Cook and others for plank and turnpike roads), Stats. 1858, p. 307; 1860, p. 54; 1861, p. 543.

Concerning roads and highways, Stats. 1859, p. 252 (referring to Stats. 1855, p. 192; 1856, p. 144, and 1851, p. 357).

Authorizing W. Green and M. Hayes to construct and keep in repair a certain street, and to levy and collect tolls (Mission Street Macadamized Road), Stats. 1860, p. 22.

Authorizing C. B. Polhemus and others to construct and keep in repair a certain street, and to levy and collect tolls (Folsom Street Macadamized Road), Stats. 1860, p. 266.

Providing for construction of macadamized road (Bay Shore Road to Fort Point), Stats. 1861, p. 148; 1862, p. 161.

Granting to certain parties right to construct macadamized road within city and county (Cliff House Road), Stats. 1861, p. 246.

Granting to certain parties right to construct macadamized and turnpike road (Pacific Street Road to Fort Point), Stats. 1861, p. 201.

Creating road districts and providing for repair and improvement of roads, Stats. 1861, p. 564.

Authorizing R. G. Arthur and associates to construct and keep in repair certain roads on San Miguel Rancho, and to levy and collect tolls, Stats. 1862, p. 262.

Authorizing J. F. Hill and associates to construct and maintain mac-

adamized road (from charter line of 1851 to beach by Fleischhacker Valley), Stats. 1863, p. 556. Reference to special and local Acts.

Providing for construction of macadamized road and collection of tolls thereon (along Ocean beach), Stats. 1863-4, p. 405.

Granting to E. B. Holmes and others right to construct macadamized road (Sans Souci Road), Stats. 1863-4, p. 421.

Supplementary to an Act to provide for the construction of a macadamized road and for the collection of tolls thereon, of April, 1864, Stats. 1866, p. 98.

#### SCHOOLS AND EDUCATION.

Authorizing Treasurer to pay certain demands on School Fund, Stats. 1858, p. 183; 1859, p. 222.

Granting certain powers to Board of Education, Stats. 1858, p. 341; 1859, p. 156; 1861, p. 244; 1863, p. 96.

Conferring further powers on the Board of Education and Treasurer, Stats. 1859, p. 326; 1861, p. 525.

Conferring further powers on Board of Education, Auditor, and Treasurer, etc. (in regard to school bonds, Sinking Fund, etc.), Stats. 1860, pp. 101, 160, 174; 1863, p. 53.

Conferring further powers on Board of Education (in regard to school bonds, powers of Board, etc.), Stats. 1861, p. 242.

Authorizing and requiring Board of Education to pay J. H. Shepard for collecting delinquent tax, Stats. 1861, p. 293.

To confer further powers on Board of Education (to insure school property, etc.), Stats. 1862, p. 477.

Conferring further powers on the Board of Education, Stats. 1863, p. 258.

Establishing and defining powers and duties of Board of Education, to repeal former Acts, and confer further powers on Auditor and Treasurer, Stats. 1863, p. 601; 1863-4, p. 162.

Providing for transfer of certain funds (from General Fund to School Fund, for purchase of lots and erection of school houses), Stats. 1863-4, p. 154.

To amend an Act to establish the Industrial School Department, of April 15th, 1858, Stats. 1866, p. 303.

An Act amendatory thereto, Stats. 1868, p. 505.

To provide additional revenue for the School Department, and to change the time and manner of electing the Superintendent of Public Schools, Stats. 1868, p. 558.

An Act amendatory of and supplementary thereto, Stats. 1869, p. 1.

To authorize an investigation of the management of the Industrial School, Stats. 1868, p. 682.

Relating to the Board of Education of the City and County of San Francisco, and more particularly defining its powers and duties, Stats. 1870, p. 235.

To establish and define the powers and duties of the Secretary of the Board of Education, Stats. 1870, p. 670.

For the relief of the free schools of the Presentation Convent, Stats. 1870, p. 732.

Reference  
to general  
and special  
Acts.

Empowering the Board of Education of the City and County of San Francisco to pay the claim of William Craine, Stats. 1870, p. 307.

Requiring the equalizing of the pay of male and female teachers, Stats. 1870, p. 865.

#### TAXES AND ASSESSMENTS.

Concerning collection of taxes now due, Stats. 1855, p. 19.

Legalizing city assessment for fiscal years 1854-5, Stats. 1855, p. 279.

Concerning taxes for support of common schools, Stats. 1857, p. 200.

Confirming and legalizing tax list or assessment roll for fiscal year ending June 30th, 1858, and providing for collection of delinquent taxes, Stats. 1858, p. 4.

To settle and fix time allowed by law to Tax Collector for collection of taxes, Stats. 1858, p. 97.

Extending time for collection of delinquent taxes, Stats. 1859, p. 17.

Confirming and legalizing certain assessment rolls, and providing for collection of delinquent taxes thereon (tax lists of 1857, 1858, and 1859), Stats. 1859, p. 123; 1861, p. 576; 1863, p. 230.

Revenue Act (applicable only to San Francisco), Stats. 1859, p. 343 (refers to Stats. 1857, p. 326); 1861, p. 456; 1862, p. 57; 1863, p. 35.

Exempting "Masonic Temple" from taxation, Stats. 1860, p. 106.

To provide revenue from tax on foreign and inland bills, passengers, insurance companies (providing for Stamp Inspectors), Stats. 1862, pp. 248, 539.

Providing for collection of taxes on personal property, Stats. 1862, p. 509; 1863, p. 709; 1863-4, pp. 104, 445.

In relation to collection of poll taxes in city and county, Stats. 1863, p. 167.

Exempting "Hall of California Pioneers" from taxation, Stats. 1863, p. 173.

Concerning fees of Tax Collector on collection of delinquent taxes of fiscal years 1856-7, 1857-8, and 1858-9; Stats. 1863, p. 230.

Exempting property of San Francisco Ladies' Protection and Relief Society from taxation, Stats. 1863-4, p. 38.

In relation to revenue for support of Government (Supervisors to constitute Equalization Board), Stats. 1863-4, p. 189.

To facilitate the collection of delinquent taxes, Stats. 1866, p. 520.

To extend the time for the collection of delinquent taxes upon the lands known as outside lands, Stats. 1869, p. 2.

To extend the time for the collection of assessments on the outside lands, Stats. 1869, p. 3.

To submit to the qualified electors of the City and County of San Francisco a proposition to remit said city and county's portion of all taxes on moneys received by savings institutions, banks, and loan societies, secured by mortgage, Stats. 1870, p. 701.

To create a commission to examine and determine the validity of certain assessments and contracts for street work, Stats. 1870, p. 711.

STREETS AND STREET IMPROVEMENTS.

To authorize the Board of Supervisors to close up Waller street, between Laguna and Buchanan streets, Stats. 1866, p. 37.

Reference  
to Acts,  
general  
and special

In relation to the widening of Kearny and Third streets, Stats. 1866, p. 37.

To authorize the Board of Supervisors to modify the grade of certain streets, Stats. 1866, p. 119.

To define and establish the width of East street, between Market and Clay streets, Stats. 1866, p. 361.

Granting power to the Board of Supervisors to order certain street work to be done as therein specified, Stats. 1866, p. 520.

To authorize and empower the Board of Supervisors to modify the grade of certain streets in said city and county, Stats. 1866, p. 614.

To provide for paving the streets, Stats. 1866, p. 720.

To authorize and empower the Board of Supervisors to change the grade of certain streets in said city and county, approved April, 1866, p. 858.

To provide for paving the streets in the City and County of San Francisco, Stats. 1868, p. 173.

An Act amendatory thereto, Stats. 1870, p. 773.

The above Act of 1868, p. 173, was repealed by Act, Stats. 1870, p. 890.

To change the grade of the crossing of Jones and Tyler streets, Stats. 1868, p. 86.

To lower the grade of Sansome street, from Broadway street to Lombard street, Stats. 1868, p. 283.

To authorize the Board of Supervisors to modify the grades of certain streets, approved March 30th, 1868, p. 594.

An Act amendatory and supplementary thereto, approved February 1st, 1870, p. 41.

To authorize the Board of Supervisors to modify and change the grade of streets in said city and county, Stats. 1868, p. 463.

To empower the Board of Supervisors to make an appropriation of money to establish the grade of streets and avenues in certain districts in said city and county, Stats. 1868, p. 433.

To authorize the Board of Supervisors to order a resurvey of the lines of Nevada street, Stats. 1868, p. 714.

To provide for an open canal through Channel street, Stats. 1868, p. 355.

To modify the grade of certain streets in the City and County of San Francisco, Stats. 1870, p. 383.

To make, open, and establish a public street, to be called Montgomery Avenue, and to take private lands therefor, Stats. 1870, p. 484.

To authorize the Board of Supervisors to open and grade Market street, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street, Stats. 1870, p. 626.

Reference  
to special  
and local  
Acts.

To define and establish the line and width of East street, between Market street and Clay street wharf, Stats. 1870, p. 651.

To authorize the Board of Supervisors to open and grade certain streets in said city and county, and to condemn private property for the roadway of said streets, Stats. 1870, p. 749.

To determine the lines and grades of streets, avenues, highways, and lanes, Stats. 1870, p. 782.

To provide for the improvement of public parks, Stats. 1870, p. 802.

To change official grade of Third street, Stats. 1868, p. 85.

#### WHARVES AND BRIDGES.

In relation to city (constructing wharves at end of streets), Stats. 1851, p. 311; 1853, p. 36.

Confirming certain contracts of Sinking Fund Commissioners for building Broadway and Pacific street wharves, Stats. 1851, p. 313.

Ratifying and confirming contract of Sinking Fund Commissioners for construction of Market and California street wharves, Stats. 1851, p. 315.

Authorizing construction of wharf at Pulgas Rancho, Stats. 1854, p. 59.

Authorizing construction of bridge across Mission Creek, Stats. 1855, p. 270.

Authorizing construction of wharf at Half Moon Bay, Stats. 1855, p. 277.

Authorizing H. B. Platt and J. Gallagher to construct wharf at foot of Third street, Stats. 1861, p. 416.

Authorizing D. B. Northrop and others to construct plank road or bridge over waters of Mission Bay, Stats. 1862, p. 275; 1863, p. 414; 1863-4, p. 398.

Authorizing J. M. Wood and associates to build wharf at foot of Fillmore street, Stats. 1862, p. 297; 1863, p. 768.

Authorizing John S. Williams and associates to construct wharf at foot of Franklin street and Van Ness Avenue, Stats. 1862, p. 426; 1863, p. 233.

Providing for improvement and protection of wharves, docks, and water front, Stats. 1863, p. 406; 1863-4, p. 138.

Authorizing Oakland and San Antonio Steam Navigation Company to build and maintain wharf and ferry landing (near Market street), Stats. 1863, p. 695.

Authorizing N. H. Stinson and associates to build wharf at foot of Solano street, Stats. 1863, p. 715.

Authorizing C. S. Hobbs and others to build wharf on Potrero Nuevo, Stats. 1863, p. 726; 1863-4, p. 509.

City and county excepted from acts concerning public ferries and toll bridges, Stats. 1863-4, p. 194.

Authorizing R. Gibbons and associates to construct wharf at Point San Quentin, Stats. 1863-4, p. 355.

Granting to San Francisco Cordage Company right to construct wharf (at Point San Quentin), Stats. 1863-4, p. 464.

RATIFYING AND CONFIRMING ACTS.

To legalize order of Supervisors granting use of streets to railroad company, Stats. 1866, p. 589. Reference to special and local Acts.

Ratifying and confirming order of Supervisors, Stats. 1868, p. 410.

To confirm deed of Public Administrator, Stats. 1866, p. 78.

To ratify and confirm a certain assignment made by the Folsom Street and Fort Point Railroad Company to the Front Street, Mission, and Ocean Railroad Company, Stats. 1868, p. 323.

To confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco, Stats. 1868, p. 379.

To ratify and confirm a certain contract made by the Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same, Stats. 1868, p. 662.

To confirm Order No. 883, of the Board of Supervisors of the City and County of San Francisco, Stats. 1870, p. 83.

To ratify and confirm a certain conveyance made by the Board of Education, Stats. 1870, p. 108.

To confirm a certain order passed by the Board of Supervisors to authorize said Board to appropriate money for certain purposes, Stats. 1870, p. 213.

To ratify and confirm the transactions of the First Unitarian Society, and of the corporation of the Board of Directors, Stats. 1870, p. 545.

To confirm and legalize contracts of Donohue and others with County of Santa Clara, Stats. 1868, p. 559.

MISCELLANEOUS ACTS.

To provide for erection of City Hall, Stats. 1870, p. 738.

To change the time for holding municipal elections, and to define the official terms of certain officers therein mentioned, Stats. 1866, p. 718.

Declaring Islais Creek, in the City and County of San Francisco, a navigable stream, Stats. 1868, p. 356.

To establish and maintain almshouse and hospital, Stats. 1866, p. 214; 1868, p. 427.

The Political Code, Sec. 19, preserves all Acts consolidating cities and counties, and Acts amendatory thereof, and also all Acts incorporating and chartering municipal corporations. Local laws of San Francisco remain, therefore, unaffected by the Codes.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## SAN JOAQUIN COUNTY.

## CHAPTER CCIII.

## SAN JOAQUIN COUNTY.

## SECTION 1594. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

**1594.**

Boundaries and seat of justice, Stats. 1850, p. 63; 1851, p. 175; 1852, pp. 178, 180; 1860, p. 34.

To provide for funding debt, for payment of interest, and for gradual liquidation, Stats. 1852, p. 207; 1853, p. 130; 1855, p. 18; 1856, p. 189; 1857, p. 27; 1858, p. 92; 1859, p. 56.

For relief of Mary B. Hartman, Stats. 1852, p. 256.

To provide an office for County Surveyor, Stats. 1854, p. 78.

Authorizing Court of Sessions to levy and collect special tax for support and maintenance of indigent sick, Stats. 1854, p. 152.

To prevent destruction of fish in Stockton Slough and Mormon Slough, Stats. 1854, p. 191.

Authorizing J. Caruthers to build and construct turnpike or gravel road from Stockton to Sonora and Columbia, Stats. 1854, p. 220.

Relative to Court of Sessions and Board of Supervisors, Stats. 1856, p. 47.

Authorizing Board of Supervisors to appropriate money towards completing artesian well on public square in Stockton, Stats. 1856, p. 48.

Fixing compensation of County Judge, Stats. 1857, p. 25; 1858, p. 104; 1859, p. 40; 1863, p. 53.

Authorizing Board of Supervisors to appropriate money (for State Agricultural Fair), Stats. 1857, p. 164.

Concerning certain records, Stats. 1857, p. 228.

Fixing compensation of certain officers (Assessor and deputies, Sheriff, and County Treasurer), Stats. 1857, p. 256; 1858, p. 112.

In relation to office of County Assessor, Stats. 1858, p. 65.

To provide for funding debt outstanding on July 1st, 1858, not heretofore funded, Stats. 1858, p. 90.

Authorizing Board of Supervisors to levy special tax for school purposes, Stats. 1858, p. 126.

Fixing compensation of Board of Supervisors, Stats. 1858, p. 164.

Concerning roads and highways, Stats. 1858, p. 227; 1859, pp. 16, 368; 1860, p. 25; 1863, p. 555; 1863-4, p. 501.

Concerning County Auditor, Stats. 1859, p. 57.

For relief of County Treasurer, Stats. 1859, p. 95.

Authorizing Board of Supervisors to audit and allow certain claim (of C. A. Hutchinson & Co.), Stats. 1859, p. 240.

Concerning office for District Attorney, Stats. 1860, p. 4.

To annex portion of San Joaquin County to Stanislaus County, Stats. 1860, pp. 34, 267.

Concerning assessments, Stats. 1860, p. 132.



Authorizing Board of Supervisors to levy special tax to assist San Joaquin Valley Agricultural Society, Stats. 1860, p. 153.

Reference  
to special  
and local  
Acts.

Providing for compensation of keepers of County Jail, etc., Stats. 1860, p. 219.

To provide for laying out and construction of certain public roads, and to compensate owners of land, etc., Stats. 1860, p. 317; 1861, p. 550.

Conferring further powers upon Board of Supervisors, Stats. 1861, p. 12.

Concerning San Joaquin Valley Agricultural Society, Stats. 1861, p. 40; 1862, p. 250; 1863, p. 496.

Providing for construction of gravel road (by J. A. Cardinell), Stats. 1861, p. 245.

Granting right of way over certain lands (for railroad from Corral Hollow to San Joaquin River), Stats. 1861, p. 309.

Providing for the construction of a railroad from Mokelumne City to Woodbridge, Stats. 1862, p. 97.

Granting right to construct and maintain bridge across Mokelumne River to J. H. Woods and others, Stats. 1862, p. 100.

Authorizing Board of Supervisors to issue certain bonds, and providing for payment thereof, Stats. 1862, p. 127.

Granting right to construct and maintain toll bridge across Mokelumne River to P. A. Athearne and others, Stats. 1862, p. 251.

Authorizing County Auditor to issue certain bonds and to provide for construction of certain road, Stats. 1862, p. 439.

Authorizing issuance of patent to M. J. Dooley for certain lands, Stats. 1862, p. 448.

To appoint Commissioners to adjust affairs of San Joaquin and Stanislaus Counties, Stats. 1862, p. 514.

Authorizing county to issue bonds for agricultural uses, Stats. 1863, pp. 7, 25.

Authorizing Board of Supervisors to take and subscribe two hundred and fifty thousand dollars to stock of Western Pacific Railroad Company, etc., Stats. 1863, p. 80.

Authorizing Board of Supervisors to take and subscribe one hundred thousand dollars to stock of Stockton and Copperopolis Railroad Company, etc., Stats. 1863, p. 102.

Authorizing Board of Supervisors to take and subscribe fifty thousand dollars to stock of Big Tree and Carson Valley Turnpike Company, Stats. 1863, p. 108.

Conferring certain powers upon Board of Education of Stockton, and for transfer of certain moneys from School Fund of county to School Fund of Stockton, Stats. 1863, p. 120.

Providing for construction of wagon road from Sonora to Aurora, Stats. 1863, pp. 134, 761; 1863-4, pp. 157, 364.

Regulating fees of office of Justices of the Peace and Constables, Stats. 1863, p. 264; 1863-4, p. 135.

Authorizing transfer of moneys in treasury, Stats. 1863, p. 303.

Reference  
to special  
and local  
Acts.

Enabling Supervisors to assess taxes for certain purposes, Stats. 1863, p. 573.

Granting right to construct and maintain bridge across Mokelumne River to J. Johnson and others, Stats. 1863-4, p. 101.

Making salary of District Attorney payable monthly, Stats. 1863-4, p. 103.

In relation to office of County Superintendent of Common Schools, Stats. 1863-4, p. 114.

Granting to B. W. Hathaway and others right to construct and maintain turnpike or toll road from Sonora to State line in Mono County, Stats. 1863-4, p. 155.

Providing for survey of boundary line between San Joaquin and Calaveras County, Stats. 1863-4, p. 262.

In relation to fees in office, Stats. 1863-4, p. 263.

Authorizing Board of Supervisors to appropriate money (for paying premiums at fairs, etc.), Stats. 1863-4, p. 309.

To enable Sonora and Mono Wagon Road Commissioners to settle with county, Stats. 1863-4, p. 364.

To improve navigation of Mokelumne River, Stats. 1863-4, p. 417.

To establish and maintain public pounds for better securing of estrays and other stock, Stats. 1863-4, p. 418.

Relief of sureties on official bond, Stats. 1866, p. 244.

Tax for liquidation of indebtedness of Agricultural Society, Stats. 1866, pp. 282, 305.

Salary of County Judge, Stats. 1866, p. 330.

To levy county taxes, Stats. 1866, p. 374; 1868, p. 90.

Construction of irrigating canal, Stats. 1866, p. 417.

To issue bonds for redemption of other bonds, Stats. 1866, p. 455.

To fix salary of School Superintendent, Stats. 1866, p. 484.

Fees and compensation of officers, Stats. 1866, p. 484.

To improve navigation of the San Joaquin River, Stats. 1866, p. 536.

Public pounds, Act amendatory, Stats. 1866, p. 588.

Roads and highways, Stats. 1866, p. 664.

Treasurer to be ex officio Tax Collector, Stats. 1866, p. 689.

Salary of District Attorney, Stats. 1866, p. 807.

Terms of District Court, Stats. 1868, pp. 4, 618.

To issue bonds, Stats. 1868, p. 43; 1870, p. 320.

Exempt from provisions of Act of 1866 as to public and private roads, Stats. 1868, p. 158.

To enlarge powers of Supervisors, Stats. 1868, pp. 159, 494.

Payment of interest on bonds, Stats. 1868, p. 266.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 450.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Protection of public and private roads, Stats. 1868, p. 158.

For relief of H. B. Underhill, State. 1868, p. 643.

Providing for railroad from Mokelumne City to Woodbridge, Stats. 1868, p. 657.

- To be in Fifth Judicial District, Stats. 1868, p. 658.
- To issue bonds and provide for payment thereof, Stats. 1870, p. 105.
- Office of County Commissioner, Stats. 1870, p. 280.
- Appointment of Notaries Public, Stats. 1870, p. 296.
- Act in relation to herding sheep, Stats. 1870, p. 304.
- To appropriate money for agricultural society, Stats. 1870, p. 321.
- To encourage destruction of squirrels and gophers, Stats. 1870, p. 316.
- Supervisors to issue a certain bond, Stats. 1870, p. 320.
- Sessions of Supervisors, time of holding, Stats. 1870, p. 344.
- Roads and highways, Act amended, Stats. 1870, p. 396.
- To protect agriculture and prevent trespassing of animals, Stats. 1870, p. 410.
- For the relief of W. R. Crawford, Stats. 1870, p. 455.
- To aid construction of Stockton and Visalia Railroad, Stats. 1870, p. 532.
- Rivers and creeks navigable, Act amended, Stats. 1870, p. 721.
- Act for relief of John H. Smith, Stats. 1870, p. 823.

Reference  
to special  
and local  
Acts.

CITY OF STOCKTON.

- For relief of former Town Council, Stats. 1851, p. 326.
- Creating State Hospital in city, Stats. 1851, p. 506; 1852, p. 140; 1853, pp. 208, 267; 1854, p. 138.
- Authorizing Trustees of State Hospital to erect building for insane of State and providing for their support, Stats. 1852, p. 139; 1853, p. 208.
- To reincorporate city, Stats. 1852, p. 211; 1853, p. 74; 1857, p. 144; 1862, p. 326.
- Concerning fire companies, Stats. 1853, p. 60.
- Authorizing State Controller to audit accounts of President of Board of Trustees of State Hospital, Stats. 1853, p. 93.
- Establishing Insane Asylum, Stats. 1853, p. 203.
- (For further legislation and existing laws on this subject, see "INSANE ASYLUM.")
- To abolish State Hospital and provide for liquidating indebtedness of same, Stats. 1853, p. 208.
- Authorizing funding of outstanding city scrip, Stats. 1855, p. 71.
- Authorizing Board of Supervisors of San Joaquin County to appropriate money towards completing artesian well on public square of city, Stats. 1856, p. 48.
- Second Act to reincorporate city, Stats. 1857, pp. 133, 197; 1859, p. 72; 1862, p. 326.
- Authorizing congregation of St. Patrick's Catholic Church to remove remains of deceased persons, Stats. 1858, p. 133.
- Authorizing Trustees of Stockton Rural Cemetery to remove human remains from graveyards in city, etc., Stats. 1862, p. 140.
- Third Act to reincorporate city, Stats. 1862, p. 314.
- Authorizing and empowering Common Council to vacate parts of certain streets, Stats. 1863, p. 56.
- Conferring certain powers upon Board of Education, and for transfer

Reference  
to special  
and local  
Acts.

of certain moneys from School Fund of county to School Fund of city, Stats. 1863, p. 120.

Providing for collection of delinquent taxes, Stats. 1863, p. 574.

Relative to Justices of the Peace, Stats. 1863-4, p. 187.

Condemning parts of certain streets adjacent to Insane Asylum for asylum purposes, Stats. 1863-4, p. 469.

Collection of delinquent taxes, Stats. 1866, p. 95; repealed, Stats. 1870, p. 621.

Amendment to reincorporation Act, Stats. 1866, p. 598; repealed by Charter Act of 1870, p. 587.

To reissue bonds, Act authorizing, Stats. 1866, p. 317.

To establish Board of Education, Stats. 1866, p. 447; repealed by Sec. 117 of Act of 1870, p. 587.

Board of Education to borrow money, Stats. 1870, p. 6.

Act of reincorporation, Stats. 1870, p. 24; repealed by Act of 1870, p. 587.

To aid in construction of Stockton and Visalia Railroad, Stats. 1870, p. 551.

City Charter granted, Stats. 1870, p. 587.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCIV.

## SAN LUIS OBISPO COUNTY.

SECTION 1595. Reference to special and local Acts.

## 1595.

Boundaries, Stats. 1850, p. 59; 1851, p. 173; 1854, p. 262; 1861, p. 349; 1863, p. 358. Reference  
to special  
and local  
Acts.

Seat of justice, Stats. 1850, p. 59; 1851, p. 173.

For relief of County Treasurer, Stats. 1851, p. 316.

Repealing an Act concerning County Judges so far as same extends to, Stats. 1855, p. 2.

Legalizing certain records, Stats. 1855, p. 271.

Providing for erection of Jail, Stats. 1855, p. 273; 1857, p. 242.

Incorporating Town of San Luis Obispo, Stats. 1856, p. 30; 1858, p. 315; 1863, p. 293.

Providing for payment of debts of county, Stats. 1857, p. 160; 1858, p. 190; 1859, p. 207; 1863, p. 43; 1863-4, p. 22.

Providing for erection of Court House and Jail, Stats. 1857, p. 241; 1863, p. 43; 1863-4, p. 22.

Relative to publishing, Stats. 1857, p. 270.

Concerning Coroners, Stats. 1858, p. 156.

Changing time of holding Court of Sessions, County Court, and Probate Court, Stats. 1858, p. 163; Stats. 1859, p. 177.

Concerning official bonds of District Attorney, Surveyor, Coroner, and Public Administrator, Stats. 1859, p. 70.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Authorizing J. Wilson to sell certain lands belonging to his infant son, J. D. Wilson, Stats. 1860, p. 6.

Concerning county records, Stats. 1860, p. 11.

Concerning roads and highways, Stats. 1860, p. 25 (referring to Stats. 1858, p. 227).

Extending time for collecting taxes, Stats. 1860, p. 103.

Authorizing José de Jesus Pico to sell certain land belonging to his infant children, Stats. 1860, p. 178.

Authorizing sale of real estate by guardian of Blas Vicente Canet, Stats. 1860, p. 228.

Authorizing J. C. Cissna to construct breakwater and wharf at port of, and to provide for same, Stats. 1860, p. 263.

Extending time for collecting taxes, Stats. 1861, p. 2.

Authorizing constructing of wagon road over Coast Range Mountains, Stats. 1861, p. 153.

Authorizing County Auditor to issue certain bonds, and providing for construction of certain road, Stats. 1861, p. 164.

Legalizing levy of State and county taxes for 1861, Stats. 1861, p. 370.

Reference  
to special  
and local  
Acts.

Fixing compensation of County Judge, etc., Stats. 1861, p. 376, 1862, p. 525.

Authorizing J. C. Cissna to build wharf in Bay of San Luis Obispo, and construct road, Stats. 1861, p. 411.

Authorizing executors of will of John Wilson, deceased, to sell personal property, pay debts, etc., Stats. 1862, p. 93.

Providing for funding indebtedness outstanding on July 1st, 1863, Stats. 1863, p. 41; 1863-4, p. 21.

Authorizing construction of wagon road over Coast Range Mountains, Stats. 1863, p. 143.

Authorizing guardian of minor children of Miguel Avila to convey their real estate, Stats. 1863, p. 266.

Authorizing guardian of Antonio Villa to sell real estate at private sale, Stats. 1863, p. 304.

Extending time for collection of taxes for 1863, Stats. 1863-4, p. 5.

To prevent trespassing of animals upon private property, Stats. 1863-4, p. 47.

Concerning official bonds of Clerk, Sheriff, Recorder, Auditor, and Assessor, Stats. 1863-4, p. 101.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

Collection of State and county taxes, Stats. 1866, p. 10.

Funding indebtedness of, Stats. 1866, p. 220; Act repealed, Stats. 1868, p. 8.

Terms of District Court, Stats. 1866, pp. 232, 609.

Act relative to publishing, Stats. 1866, p. 282.

Wharf franchise in, Stats. 1866, p. 311.

Bonds of Tax Collector, Stats. 1866, p. 415.

Election and term of office of Supervisors, Stats. 1866, p. 467.

Settlement of delinquent taxes, Stats. 1866, p. 488.

Compensation of County Clerk and School Superintendent, Stats. 1866, p. 838.

Franchise to J. B. Ward and others for wagon road, Stats. 1866, p. 840.

Wharf franchise to D. P. Mallogh, Stats. 1868, p. 28.

Wharf franchise at San Simeon Bay, Stats. 1868, p. 243.

To settle title to lands, Stats. 1868, p. 245.

Compensation of Sheriff, Stats. 1868, p. 347.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 448.

Terms of District Court in, Stats. 1868, p. 356; 1870, p. 227.

Trustees of infant heirs to sell estate, Stats. 1868, p. 642.

To provide for wagon road in San Luis Obispo and Santa Barbara Counties, Stats. 1868, p. 700.

Act in relation to herding sheep, Stats. 1870, p. 304.

Leave of absence to District Attorney, Stats. 1870, p. 417.

Fees and salaries, Stats. 1870, p. 437.

Election and term of office of Supervisors, Stats. 1870, p. 561.

To legalize assessments and collect delinquent taxes, Stats. 1870, p. 666. Reference to special and local Acts.

Issuance of bonds to erect county buildings, Stats. 1870, p. 816.

TOWN OF SAN LUIS OBISPO.

Incorporation Act amended, Stats. 1870, p. 369.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

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CHAPTER CCV.

SAN MATEO COUNTY.

SECTION 1596. Reference to special and local Acts.

1596.

Boundaries, Stats. 1856, p. 176; 1857, p. 222.

Seat of justice, Stats. 1856, p. 176; 1857, p. 223; 1858, p. 18; 1861, p. 362. Reference to special and local Acts.

Organization (provided for in "Consolidation Act" of City and County of San Francisco), Stats. 1856, p. 176.

Relating to official acts of officers, and prescribing certain duties, Stats. 1857, p. 65.

Extending time for collecting taxes, Stats. 1857, p. 184.

Reorganizing and establishing county, Stats. 1857, p. 222; 1858, p. 315.

Creating Board of Commissioners, Stats. 1857, p. 295.

Locating county seat, Stats. 1858, p. 18.

Authorizing J. G. Dennison to construct wharf at Half-Moon Bay, Stats. 1858, p. 34.

Granting right of way over certain lands to D. S. Cook and others

Reference  
to special  
and local  
Acts.

for plank or turnpike road from Potrero Nuevo to Fifteen-Mile House, Stats. 1858, p. 307; 1860, p. 54; 1861, p. 543.

Authorizing and requiring Board of Supervisors to levy special tax (for completion of Court House and jail), Stats. 1859, p. 16.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Relating to office of Sheriff (mileage), Stats. 1859, p. 228.

Concerning roads and highways, Stats. 1859, p. 228; 1863, p. 619; 1863-4, p. 77.

Authorizing Board of Supervisors to subscribe to stock of San Francisco and San José Railroad Company, Stats. 1860, p. 230.

Authorizing Board of Supervisors to levy special tax for road purposes, Stats. 1860, p. 331; 1861, p. 196; 1862, p. 531.

Relative to office of Superintendent of Common Schools, Stats. 1861, p. 38.

Authorizing Board of Supervisors to take and subscribe one hundred thousand dollars to stock of San Francisco and San José Railroad Company, etc., Stats. 1861, p. 134.

Submitting to qualified electors question of removal of county seat, Stats. 1861, p. 362.

Granting right of way over certain lands to J. P. Ames and others, Stats. 1861, p. 579.

Providing for election of Board of Supervisors, Stats. 1862, p. 28; 1863, p. 577.

Fixing terms of different Courts, Stats. 1862, p. 30.

Providing for election of Superintendent of Common Schools, Stats. 1862, p. 95.

Providing for retention of hides of cattle killed or slaughtered, Stats. 1862, p. 118.

Granting right to construct turnpike between Searsville and Pescadero, Stats. 1862, p. 490.

Allowing J. E. Nuttman and others to construct and maintain toll road, Stats. 1863, pp. 99, 361.

Authorizing J. R. Dickey and others to construct and keep in repair certain roads and levy and collect tolls, Stats. 1863, p. 656.

To define and limit compensation of officers and reduce public expenses and taxation, Stats. 1863-4, p. 48.

Authorizing R. C. Kirby and others to construct and maintain turnpike from Santa Cruz to point near line of San Francisco and San José Railroad, etc., Stats. 1863-4, p. 173.

Concerning offices of Recorder and Auditor, Stats. 1863-4, p. 187.

Providing for continuance and election of Board of Supervisors and defining and limiting their powers and duties, Stats. 1863-4, p. 237.

Regulating times for holding terms and sessions of County Court, Probate Court, and Board of Supervisors, Stats. 1863-4, p. 242.

Granting right to construct turnpike between Searsville and Pescadero, Stats. 1863-4, p. 322.

Conferring certain powers on Board of Supervisors in relation to in-



terest and stock held by county in San Francisco and San José Railroad, Stats. 1863-4, p. 437.

Reference  
to special  
and local  
Acts.

In relation to delinquent tax list, Stats. 1863-4, p. 499.

Confirm contract for sale of stock held by, State. 1866, p. 36.

Road franchise to J. Q. A. Tilton and others, Stats. 1866, p. 323.

Act to establish pounds, Stats. 1866, p. 334; repealed, 1870, p. 514, and new Act then passed.

Act to organize townships in, Stats. 1866, p. 339; 1868, pp. 291, 367, 469, 496; 1870, pp. 290, 793.

For preservation of trout, Stats. 1866, p. 492.

Compensation of certain officers, Stats. 1866, p. 564; 1868, pp. 89, 106, 429.

Payment of Grand Jurors, Stats. 1868, p. 60.

Reindexing county records, Stats. 1868, p. 72.

Boundaries, Stats. 1868, p. 174.

Wharf franchise extended, Stats. 1868, p. 242.

Supervisors election, powers and duties, Stats. 1868, p. 278.

Roads and highways, Stats. 1868, p. 283; 1870, p. 362.

Payment of interpreters in Courts, Stats. 1868, p. 357.

Indigent sick, Stats. 1868, p. 366.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Sale of overflowed land to Farming Company, Stats. 1868, p. 662; repealed 1870, p. 220.

To pay Mrs. Wright salary as school teacher, Stats. 1868, p. 406.

For the protection of deer, Stats. 1870, p. 279.

Act in relation to herding sheep, Stats. 1870, p. 304.

Treasurer to pay claim of C. Carvalho, Stats. 1870, p. 334.

To authorize payment of claims against Redwood Township, Stats. 1870, p. 376.

Santa Cruz County to pay certain school moneys, Stats. 1870, p. 408.

To provide funds for highways, Stats. 1870, p. 730.

For payment of certain claims against the Second Township, Stats. 1870, p. 865.

TOWN OF REDWOOD CITY.

Act to incorporate, Stats. 1868, p. 411; 1870, p. 364.

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Reference  
to special  
and local  
Acts.

and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

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## CHAPTER CCVI.

### SANTA BARBARA COUNTY.

SECTION 1597. Reference to special and local Acts.

#### 1597.

Boundaries and seat of justice, Stats. 1850, p. 59; 1851, p. 173; 1852, p. 218; 1854, p. 262.

For relief of County Treasurer, Stats. 1851, p. 316.

Concerning the county records, Stats. 1852, p. 219.

Fixing compensation of County Judge, Stats. 1854, p. 56.

Providing for payment of debt, Stats. 1856, p. 71; 1857, p. 160; 1858, p. 190; 1859, p. 207.

Relative to Board of Supervisors making publications, Stats. 1857, p. 59.

Relative to publishing, Stats. 1857, p. 270.

Concerning Coroner, Stats. 1858, p. 156.

Changing time of holding Court of Sessions, County Court, and Probate Court, Stats. 1858, p. 163; 1859, p. 177.

For relief of county, Stats. 1858, p. 291.

Authorizing county to issue bonds for funding debt and construction of roads, and providing for payment of bonds, Stats. 1859, p. 204.

Abolishing office of Public Administrator, Stats. 1859, p. 336.

Appropriating fifteen thousand dollars for construction of wagon road, Stats. 1860, p. 294.

Authorizing Encarnacion C. de Robbins to sell certain lands belonging to her infant children, Stats. 1861, p. 10.

Regulating fees of office, Stats. 1861, p. 103.

Authorizing settlement of certain claims against estate of Cesario Lataillade, Stats. 1861, p. 531.

Granting right to construct turnpike from Great Bend of Mojave River, in San Bernardino County, through Williamson's Pass, to Pacific Coast, at Buenaventura, Stats. 1862, p. 33.

Concerning certain salaries, Stats. 1863, p. 51; 1863-4, p. 34.

To prevent trespassing of animals upon private property, Stats. 1863-4, p. 47. Reference to special and local Acts.

Fixing bonds of Treasurer, Stats. 1863-4, p. 56.

In regard to holding terms of County Court, Stats. 1863-4, p. 113.

Fixing compensation of officers, providing for funding floating debt, and prohibiting contracting of any new indebtedness against county, Stats. 1863-4, p. 406.

Franchise to José Maria Loureyro and others to build wharf at San Buenaventura, Stats. 1866, p. 83.

Creating Board of Water Commissioners, Stats. 1866, p. 93.

Bonds of Treasurer of, Stats. 1866, p. 116.

Funding floating debt, Stats. 1866, p. 143.

Legalizing assessment for taxes, Stats. 1866, p. 151.

Collection of delinquent taxes, Stats. 1866, p. 166.

Terms of District Court, Stats. 1866, pp. 232, 609.

Payment of floating claims, Stats. 1866, p. 234.

Act relative to publishing, Stats. 1866, p. 282; original Act of 1857 repealed, Stats. 1867-8, p. 55.

Official bonds of officers, Stats. 1866, p. 774.

Franchise to J. B. Ward and others for wagon road, Stats. 1866, p. 840.

Franchise to Santa Barbara Wharf Company, Stats. 1868, p. 47.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

Supplementary Act of wagon road in San Luis Obispo and Santa Barbara Counties, Stats. 1868, p. 658.

Wharf franchise to J. B. Ward, Stats. 1868, p. 700.

To pay certain claims, Stats. 1870, p. 922.

Terms of District Court, Stats. 1870, p. 227.

For liquidation of floating debt, Stats. 1870, p. 293.

To legalize and confirm certain grants to town lands, Stats. 1870, p. 666.

#### TOWN OF SANTA BARBARA.

Incorporating City of Santa Barbara, Stats. 1850, p. 172; 1852, p. 220; 1858, p. 171; 1860, p. 199; 1861, p. 504.

Providing for erection of a wharf, Stats. 1854, p. 217.

Second Act incorporating city, Stats. 1860, pp. 197, 250; 1861, p. 504.

Granting G. Carrillo and assigns right to supply inhabitants with fresh water, Stats. 1861, p. 278.

Legalizing certain grants and sales made by the Ayuntamiento of the pueblo and by the Mayor and Common Council, of lands belonging to the pueblo and city, Stats. 1861, p. 371; 1862, p. 495; 1863, p. 47.

Third Act incorporating city, Stats. 1861, p. 502; 1863-4, p. 69.

Incorporating Town of Santa Barbara, Stats. 1863-4, p. 68.

#### TOWN OF SAN BUENAVENTURA.

Act to incorporate, Stats. 1866, p. 216.

To legalize proceedings of Trustees, Stats. 1866, p. 638.

Reference  
to special  
and local  
Acts.

Assessing and collecting revenue, Stats. 1870, p. 701.

Amendment to Incorporation Act, Stats. 1870, p. 864.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part I, and, to a certain extent, as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCVII.

### SANTA CLARA COUNTY.

SECTION 1598. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1598.

Boundaries and seat of justice, Stats. 1850, pp. 60, 156; 1851, p. 174.

Concerning county officers, Stats. 1850, p. 217.

Providing for construction of wagon road from San José to Santa Cruz, Stats. 1851, p. 323.

Changing name of California Wesleyan College to that of University of the Pacific, Stats. 1852, p. 173.

Incorporating the Town of Alviso, Stats. 1852, p. 222.

Declaring Arroyo del Medo navigable, Stats. 1852, p. 223.

Creating Alameda County, etc., Stats. 1853, p. 56.

Legalizing certain official acts of W. J. Lewis, County Surveyor, Stats. 1853, p. 66.

For relief of W. Akenhead, County Treasurer, Stats. 1853, p. 85.

Abolishing Board of Supervisors, Stats. 1854, p. 40.

Providing for election of a Justice of the Peace for Town of Santa Clara, etc., Stats. 1854, p. 55.

Fixing compensation of County Judge, Stats. 1854, p. 56; 1857, p. 256.

To adjust the amount of indebtedness of Alameda County to Santa Clara and provide for payment, Stats. 1854, p. 186; 1858, p. 208.

Reference  
to special  
and local  
Acts.

Fixing time for holding Courts authorized to be held by County Judge, Stats. 1855, p. 40; 1856, pp. 42, 106; 1857, p. 26.

Providing for paying outstanding indebtedness, Stats. 1855, p. 111.

Providing for settling boundary line between Santa Cruz, Santa Clara, and San Francisco Counties, Stats. 1855, p. 228.

Legalizing incorporation of Town of Santa Clara, Stats. 1856, p. 79.

To fund debt and provide for payment of same, Stats. 1856, p. 114.

Fixing compensation of certain officers, Stats. 1857, p. 256.

Authorizing P. Davidson to convey certain real estate, Stats. 1858, p. 35.

Concerning artesian wells, Stats. 1858, p. 162; 1862, p. 272.

Authorizing executor of Joshua W. Redman, deceased, to sell real estate, Stats. 1859, p. 122.

Authorizing S. S. Simonds to construct a canal, Stats. 1859, p. 175.

Authorizing guardians of certain minors (Berryessa heirs) to sell real estate, etc., Stats. 1859, p. 176; 1860, p. 54.

Authorizing Board of Supervisors to issue license for toll bridge across Pajaro River at Malpaso, Stats. 1860, p. 13.

Authorizing Board of Supervisors to make appropriations to agricultural societies, and legalizing appropriations heretofore made, Stats. 1860, p. 19.

Authorizing administrator of Samuel J. Crosby, deceased, to sell and convey real estate, Stats. 1860, p. 26.

Providing for building a turnpike or gravel road, Stats. 1860, p. 56.

Concerning roads and highways, Stats. 1860, p. 119.

Authorizing administrator of Charles White, deceased, to sell and convey real estate, Stats. 1860, p. 148; 1861, p. 152.

Authorizing G. S. Adams and others to construct dam across Guadalupe River, Stats. 1860, p. 188.

Authorizing Board of Supervisors to subscribe to stock of San Francisco and San José Railroad Company, Stats. 1860, p. 261.

Authorizing C. T. Ryland to sell certain real estate of his infant children, Stats. 1861, p. 53.

Authorizing guardian of Policarpia Chabolla to sell real estate, Stats. 1861, p. 77.

Authorizing Board of Supervisors to take and subscribe two hundred thousand dollars to stock of San Francisco and San José Railroad Company, etc., Stats. 1861, p. 128; 1862, p. 494.

Authorizing P. Davidson to execute a certain conveyance in behalf of his infant children, Stats. 1861, p. 150.

Authorizing Board of Supervisors to grant right of way for construction of turnpike roads, Stats. 1861, p. 207.

Authorizing Board of Supervisors to pay certain school warrants out of General Fund, Stats. 1861, p. 295.

Authorizing W. T. Wallace to sell certain real estate of his infant children, Stats. 1861, p. 312.

Reference  
to special  
and local  
Acts.

Authorizing guardian of John H. M. Townsend, a minor, to sell real estate, Stats. 1861, p. 405.

Concerning fees, Stats. 1861, p. 477.

Authorizing issue of bonds for erection of Court House, Stats. 1861, p. 491.

Legalizing certain records in Recorder's office, Stats. 1861, p. 507.

Granting right to construct bridge across Pajaro River, Stats. 1862, p. 62.

Authorizing Governor to convey certain lands at Alviso, Stats. 1862, p. 73.

Regulating artesian wells, Stats. 1862, p. 271.

Establishing pounds, Stats. 1862, p. 330.

Authorizing Board of Supervisors to have certain Spanish records translated into English, Stats. 1863, p. 11.

Authorizing Board of Supervisors to take and subscribe one hundred and fifty thousand dollars to stock of Western Pacific Railroad Company, etc., Stats. 1863, p. 276.

Requiring County Judge to keep chambers at county seat, Stats. 1863, p. 375.

Concerning estrays and animals found running at large, Stats. 1863, p. 581; 1863-4, p. 98.

Providing for better protection of private property, Stats. 1863, p. 758.

Authorizing A. Suñol to sell certain real estate of minor child, Stats. 1863, p. 762.

Authorizing J. La Coste to sell certain real estate of minor child, Stats. 1863, p. 763.

Fixing bonds of Sheriff, Stats. 1863-4, p. 10.

Redistricting county and providing for election of Supervisors, Stats. 1863-4, p. 22.

Authorizing successors in office of James F. Kennedy, deceased, late Sheriff, to execute deeds in certain cases, Stats. 1863-4, p. 80.

Regulating fees and fixing salaries of certain officers, Stats. 1863-4, p. 219.

Concerning roads and highways, Stats. 1863-4, p. 248.

Providing for construction of turnpike (from McCartysville to Pescadero Creek), Stats. 1863-4, p. 362.

Concerning offices of Clerk and Recorder, Stats. 1863-4, p. 395.

Conferring certain powers on Board of Supervisors in relation to interest and stock held by county in San Francisco and San José Railroad, Stats. 1863-4, p. 437.

Legalizing assessment of 1864, Stats. 1866, p. 14.

Jurors' mileage, Stats. 1866, p. 123.

County bonds for Court House and jail, Stats. 1866, p. 136.

Legalizing subscription to W. P. R. R. Co., Stats. 1866, p. 158.

Railroad from San José to, Stats. 1866, p. 226.

Issuance of bonds for county buildings, Stats. 1866, pp. 136, 446.

Legalizing contract with railroad company, Stats. 1866, p. 157.

Act to provide for railroad in, Stats. 1866, p. 226.

- Act to regulate artesian wells, Stats. 1866, p. 308.
- To prevent stallions from running at large, Stats. 1866, p. 327 ; 1868, p. 70. Reference to special and local Acts.
- Terms of District Courts in, Stats. 1866, p. 328.
- Sale of county stock in railroad, Stats. 1866, p. 330.
- For preservation of trout, Stats. 1866, p. 492.
- Roads and highways in, Stats. 1866, p. 553; amended, Stats. 1868, p. 327, and Stats. 1868, p. 171 ; latter amendment not to City of Gilroy, Stats. 1870, p. 279, Sec. 53.
- To allow railroad companies to take gravel from Coyote Creek, Stats. 1866, p. 584.
- Public schools in, Stats. 1866, p. 659.
- Legalizing assessment for taxes, Stats. 1866, p. 14.
- Mileage to be given to trial jurors, Stats. 1866, p. 123.
- Bond of County Treasurer, Stats. 1868, p. 112.
- Railroad franchise to C. Silent, Stats. 1868, p. 259.
- County Judge to keep chambers at county seat, Stats. 1868, p. 269.
- To complete Court House and erect jail, Stats. 1868, p. 305; 1870, p. 128.
- Supervisors' compensation, Stats. 1868, p. 449.
- Assessors' compensation, Stats. 1868, p. 450.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Meeting of Board of Supervisors, Stats. 1868, p. 541.
- To confirm and legalize certain contracts, Stats. 1868, p. 559.
- Franchise to J. N. Thompson and others for tram road or railroad, Stats. 1868, p. 656.
- To provide for construction of turnpike road, Stats. 1868, p. 711.
- Additional Notary Public, Stats. 1870, p. 68.
- Act in relation to herding sheep, Stats. 1870, p. 304.
- Supervisors to pay Sheriff certain moneys, Stats. 1870, p. 377.
- To encourage destruction of squirrels and gophers, Stats. 1870, p. 404.
- Providing for recording papers in Probate Court, Stats. 1870, p. 636.
- County Treasurer to pay certain claims, Stats. 1870, p. 729.
- For the improvement of rivers and streams, Stats. 1870, p. 763.
- Concerning county records, Stats. 1870, p. 779.

CITY OF SAN JOSE.

- Incorporating City of San José, Stats. 1850, pp. 124, 261; 1851, p. 329; 1853, p. 150; 1854, p. 229; 1857, p. 119.
- For relief of Mayor and City Council, Stats. 1851, p. 328.
- Authorizing funding of debt of city and providing for payment, Stats. 1856, p. 211.
- To reincorporate city, Stats. 1857, p. 113; 1858, p. 156; 1859, p. 117.
- Authorizing funding of unfunded debt of city and providing for payment, Stats. 1858, p. 193; 1859, p. 75; 1862, p. 113; 1863, p. 174.
- Third Act incorporating city, Stats. 1859, p. 109; 1860, pp. 8, 340; 1862, p. 117; 1863, p. 61.
- Legalizing acts of Mayor and Common Council, Stats. 1860, p. 8.

Reference  
to special  
and local  
Acts.

Concerning city and ratifying and confirming a certain ordinance (respecting gaslight franchise), Stats. 1861, p. 142.

Providing for collection of delinquent taxes, Stats. 1862, p. 62.

Consolidating School Funds, Stats. 1863, p. 46.

Authorizing city to loan its credit for school purposes, and providing for redemption, Stats. 1863-4, p. 36.

Conferring further powers upon Common Council, Stats. 1863-4, p. 81.

Exempted from Act concerning roads and highways in Santa Clara County, Stats. 1863-4, p. 254.

Providing for paying legal and equitable indebtedness of city, Stats. 1863-4, p. 271.

Board of Commissioners abolished, Stats. 1866, p. 15.

Reincorporation of, Stats. 1866, p. 246.

Telegraph to San Bernardino, Stats. 1866, p. 308.

To ratify ordinances, Stats. 1866, p. 635.

To open Market street through Market Plaza, Stats. 1868, p. 120.

To sell bonds and purchase site for school house, Stats. 1870, p. 448.

To incorporate Fire Department, Stats. 1870, p. 562.

#### TOWN OF SANTA CLARA.

Act incorporating, Stats. 1866, p. 493.

#### GILROY CITY.

Act to incorporate, Stats. 1870, p. 263.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 73 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]



CHAPTER CCVIII.

SANTA CRUZ COUNTY.

SECTION 1599. Reference to special and local Acts.

1599.

Reference  
to special  
and local  
Acts.

This county in 1850 was called Branciforte.

Boundaries, Stats. 1850, pp. 59, 155; 1851, p. 173.

Seat of justice, Stats. 1850, pp. 59, 156; 1851, p. 173.

Providing for construction of wagon road from Santa Cruz to San José, Stats. 1851, p. 323.

Providing for settling boundary line between Santa Cruz, Santa Clara, and San Francisco Counties, Stats. 1855, p. 228.

Authorizing I. E. Davis and A. P. Jordan and associates to construct wharf at Santa Cruz, Stats. 1855, p. 291; 1856, p. 79.

Authorizing D. Girky and others to build wharf at Santa Cruz, Stats. 1856, p. 74.

Fixing time of holding several Courts authorized to be held by County Judge, Stats. 1857, p. 89.

Concerning County Judge (residence), Stats. 1857, p. 202.

Providing for payment of debt, Stats. 1857, p. 237; 1858, p. 116.

Fixing compensation of certain officers (County Judge, District Attorney, and Assessor and deputies), Stats. 1857, p. 256.

Authorizing Board of Supervisors to levy special tax for building purposes, Stats. 1858, p. 23.

Authorizing guardian of minor children of José A. Rodriguez, deceased, and heirs of Sebastian Rodriguez, deceased, to sell certain real estate, Stats. 1858, p. 290.

Fixing compensation of District Attorney, Stats. 1859, p. 151.

Concerning revenue (publication of delinquent tax list), Stats. 1859, p. 179.

Authorizing executors of Peter Tracy, deceased, to sell real estate, Stats. 1860, p. 71.

Legalizing an order of Board of Supervisors and all proceedings thereunder (concerning Treasurer's pay for collection of taxes), Stats. 1860, p. 126.

For opening and repairing roads, Stats. 1860, p. 150; 1861, p. 314.

Authorizing sale of portion of real estate of James Williams, deceased, Stats. 1860, p. 284.

Extending time of collecting taxes, Stats. 1861, p. 32.

Authorizing guardian of minor heirs of James Williams, deceased, to sell real estate, Stats. 1861, p. 480.

Fixing salary of County Judge, Stats. 1862, p. 94.

Providing for establishment, maintenance, and protection of public and private roads, Stats. 1862, p. 256; 1863, p. 317.

Reference  
to special  
and local  
Acts.

Granting right to construct turnpike between Searsville and Pescadero, Stats. 1862, p. 490.

Fixing compensation of Assessor, Stats. 1863-4, p. 96.

Authorizing R. C. Kirby and others to construct and maintain turnpike from Santa Cruz to point near line of San Francisco and San José Railroad, etc., Stats. 1863-4, p. 173.

Granting right to construct turnpike between Searsville and Pescadero, Stats. 1863-4, p. 322.

Providing for construction to turnpike (from McCartysville to Pescadero Creek), Stats. 1863-4, p. 362.

To settle title to lands in Village and Town of Branciforte, Stats. 1863-4, p. 443.

Treasurer to collect taxes, Stats. 1866, p. 202.

Supervisors to issue bonds and provide revenue, Stats. 1866, p. 203; 1868, p. 681.

To provide for payment of debt of, Stats. 1866, p. 326.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70.

Terms of District Courts, Stats. 1866, p. 323.

Public schools in, Stats. 1866, p. 659.

To redistrict the county, Stats. 1866, pp. 781, 837.

Franchise to L. Schwartz and others for a wharf near Aptos Creek, Stats. 1866, p. 824.

Salary of County Judge, Stats. 1868, p. 10.

Mileage to jurors, Stats. 1868, p. 41.

Boundary line, Stats. 1868, p. 174.

Authorize extension of wharf at Muddy Creek, Stats. 1868, p. 240.

Supervisors to issue and sell bonds, Stats. 1868, p. 274.

Wharf franchise granted to W. W. Waddell, Stats. 1868, p. 342.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To provide means for government, Stats. 1870, pp. 34, 781.

Division into Supervisor Districts, Stats. 1868, p. 462.

To open and repair roads, Stats. 1868, p. 504.

To aid construction of turnpike road, Stats. 1868, p. 711.

Survey of Harbor of Santa Cruz and Salinas Slough, Stats. 1870, p. 66.

Concerning Tax Collector, Stats. 1870, p. 284.

To pay over certain school moneys, Stats. 1870, p. 408.

Roads and highways, Stats. 1870, p. 340.

Concerning estrays, Stats. 1870, p. 860.

Term of office of Supervisors, Stats. 1870, p. 863.

#### TOWN OF SANTA CRUZ.

Franchise to E. Anthony and others to lay water pipes in streets, Stats. 1865, p. 8.

Incorporation Act, Stats. 1866, p. 547; 1870, pp. 32, 578.

Act relative to protection of seals and sea lions, Stats. 1866, p. 633.

## TOWN OF WATSONVILLE.

Incorporation of, Stats. 1868, p. 688.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

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## CHAPTER CCLIX.

## SCHOOLS.

SECTION 1600. Reference to Acts.

## 1600.

An Act concerning common schools and public instruction, passed May 1st, 1851, p. 491, was repealed by Act of May 3d, 1852, p. 117. Reference to Acts.

An Act to establish a system of common schools, approved May 3d, 1852, p. 117; amended May 18th, 1853, p. 230; was repealed by Act of May 3d, 1855, p. 229, and again by Act of April 6th, 1863, p. 194.

An Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May 3d, 1855, p. 229; amended March 28th, 1857, p. 122; April 25th, 1857, p. 252; April 26th, 1858, p. 333; April 28th, 1860, p. 321; February 22d, 1861, p. 28; May 17th, 1861, p. 417; April 24th, 1862, p. 333; May 6th, 1862, p. 496, and May 14th, 1862, p. 548, was repealed by Act of April 6th, 1863, p. 194.

An Act to establish and maintain a State Normal School, approved May 2d, 1862, p. 472, was repealed by Act of April 6th, 1863, p. 194.

An Act to provide for the maintenance and supervision of common schools, approved April 6th, 1863, p. 194.

Reference  
to Acts.

Amendment approved March 22d, 1864; Stats. 1863-4, p. 209; took effect from passage.

## SCHOOL TEACHERS.

An Act concerning teachers of common schools in this State, approved April 27th, 1863, p. 727.

Amendment approved March 18th, 1864; Stats. 1863-4, p. 190.

## SPECIAL SCHOOL ACTS.

It will have been noticed that, by virtue of Sec. 59 of the foregoing Act of April 6th, 1863, p. 194, certain special Acts, passed previous to that Act, are still in force. It is proposed here to briefly refer to such Acts, where they apply to entire counties, and also to such Acts as have been passed since the Act of April 6th, 1863, and are now in effect in particular places. All the special Acts which have at any time been passed will be found referred to under the heads of the respective counties.

San Francisco—The laws relating to the Board of Education and other school matters in the City and County of San Francisco consist of a number of Acts, commencing with the Consolidation Act of April 19th, 1856, p. 145. They will be found noted fully in a separate subdivision, under the head of San Francisco City and County.

Contra Costa—An Act providing for the better support of common schools, approved May 17th, 1861, p. 475.

Sacramento—An Act to provide for the government of the common schools, approved April 26th, 1862, p. 454; amended April 27th, 1863, p. 717. There is also an Act to consolidate certain school districts in the Counties of El Dorado and Sacramento, approved April 25th, 1863, p. 568. Also, an Act in relation to the Board of Education of the City of Sacramento, approved February 10th, 1864; Stats. 1863-4, p. 67.

Sonoma—An Act to authorize the Trustees of Petaluma School District to levy a tax for school purposes, approved April 20th, 1863, p. 355.

El Dorado—An Act concerning common schools in the City of Placerville, approved April 1st, 1864; Stats. 1863-4, p. 303.

An Act to provide for the maintenance and supervision of common schools, approved April 6th, 1863, p. 194, and an Act amendatory thereto, approved March 22d, 1864, p. 209, and an Act concerning teachers of common schools in this State, approved April 27th, 1863, p. 727, and an Act to provide for a system of common schools, approved March 24th, 1866, p. 383, as amended March 21st, 1868, p. 203, and March 13th, 1868, p. 150, were superseded by the Act to amend an Act to provide for a system of common schools, to be known as the California School Law, approved April 4th, 1870, p. 824.

See "COMMON SCHOOLS;" "NORMAL SCHOOL;" "STATE REFORM SCHOOL."

The Political Code, Secs. 1385 to 1878, inclusive, "EDUCATION," supersede all prior enactments as to schools, etc.

## CHAPTER CCX.

## SEALS AND SEA LIONS.

SECTION 1601. Reference to Acts.

## 1601.

An Act for the preservation of seals or sea lions at and near the entrance to the Harbor of San Francisco, approved April 18th, 1863, p. 330. Reference to Acts.

An Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions, at and near the entrance to the Harbor of San Francisco, approved April 18th, 1863, approved March 31st, 1866, p. 633.

See Penal Code, Sec. 599.

## CHAPTER CCXI.

## SEAMEN.

SECTION 1602. Reference to Act.

## 1602.

An Act entitled an Act to prevent persons from enticing seamen to desert, approved May 17th, 1853, p. 186. Reference to Act.

See Penal Code, Secs. 644 and 645.

## CHAPTER CCXII.

## SEAT OF GOVERNMENT.

SECTION 1603. Reference to Acts.

## 1603.

An Act to take the sense of the people of California upon the subject of the permanent location of the seat of government, passed April 22d, 1850, p. 412, provided for a submission of the question of location to vote at the next general election. Reference to Acts.

An Act for the permanent location of the seat of government, passed February 4th, 1851, p. 430, provided that the City of Vallejo should be the permanent seat of government.

An Act to provide for the permanent location of the seat of government, approved February 4th, 1853, p. 24 (providing that the seat of

**Reference  
to Acts.**

government should be at the City of Benicia on and after February 5th, 1853, on certain conditions), was repealed by Act of February 25th, 1854, p. 7.

An Act for the permanent location of the seat of government of the State of California, approved May 18th, 1853, p. 217, was repealed by Act of February 25th, 1854, p. 7.

An Act to provide for the permanent location of the seat of government of the State of California at Sacramento City, passed February 25th, 1854, p. 7.

An Act to fix the sessions of the Supreme Court at the Capital of the State, passed March 24th, 1854, p. 45.

An Act to provide for the construction of the State Capitol in the City of Sacramento, approved April 18th, 1856, p. 110.

This Act, which provided for the appointment of Commissioners to contract for and superintend the erection of the proposed Capitol, was declared unconstitutional by the Supreme Court, in the case of *Nougues v. Douglas*, 7 Cal., p. 65.

An Act to provide for the construction of the State Capitol in the City of Sacramento, approved March 29th, 1860, p. 128.

This Act, which was amended by Act of May 20th, 1861, p. 600, provided for the appointment of a Board of Commissioners to contract for and superintend the erection of the Capitol. It is the Act under which the work is being done.

A concurrent resolution, adopted January 22d, 1862, p. 594, removed the Legislature for the session to San Francisco. This measure was occasioned by the overflowing of the City of Sacramento by floods. The result was virtually a temporary removal of the seat of government.

An Act in relation to the construction of the State Capitol building, and to annul contracts heretofore entered into, approved April 19th, 1862, p. 309.

This Act provides for the cancellation of a contract to erect the Capitol, for a modification of plans, and further prosecution of work.

An Act to provide a special Fund for the construction of the State Capitol building in the City of Sacramento, approved March 27th, 1863, p. 113.

See "REVENUE."

An Act to provide for the construction of the State Capitol building in the City of Sacramento, approved April 20th, 1863, p. 351.

An Act concerning the construction of the State Capitol in the City of Sacramento, approved March 29th, 1870, p. 447.

An Act concerning the Board of State Capitol Commissioners, approved March 31st, 1866, p. 487.

To sell bonds issued for completion of State Capitol, Act approved April 4th, 1870, p. 724.

See "BONDS OF STATE."

State Capitol Commissioners, when to make reports to Governor or Legislature, see Act approved April 2d, 1866, p. 784, and also Act approved March 18th, 1870, p. 333.

An Act to transfer certain funds, approved March 30th, 1866, p. 465.  
See Political Code, Secs. 145, "SEAT OF GOVERNMENT."

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CHAPTER CCXIII.

SECRETARY OF STATE.

SECTION 1604. Reference to Acts.

1604.

An Act concerning the office of the Secretary of State, passed January 24th, 1850, p. 49, was repealed by Act of May 15th, 1854, p. 256. Reference to Acts.

An Act prescribing duties to the Secretary of State, passed May 1st, 1851, p. 306, was repealed by Act of May 15th, 1854, p. 256.

An Act to provide for the translation of the laws in the Spanish language, passed March 15th, 1851, p. 404; amended April 24th, 1852, p. 116, and March 19th, 1853, p. 52; was repealed by Act of May 15th, 1854, p. 256.

An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25th, 1851, p. 430, was repealed by Act of May 12th, 1853, p. 166. The second section of the Act of May 12th, 1853, p. 166 (providing that public buildings, etc., should remain under charge of the Secretary of State), was repealed by Act of May 15th, 1854, p. 256.

An Act concerning the office of Secretary of State, passed May 15th, 1854, p. 256.

Amendment approved April 27th, 1863, p. 703.

Amendment approved May 17th, 1861, p. 413.

An Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office, approved March 18th, 1864; Stats. 1863-4, p. 191.

The Secretary of State is annually required to furnish the Supreme Court and State officers with stationery, blank books, lights, and fuel, under clauses inserted in various appropriation Acts.

See Political Code, Secs. 407 to 423, inclusive, "OF SECRETARY OF STATE."

## CHAPTER CCXIV..

## SECRETARY OF SUPREME JUDGES.

## SECTION 1605. Reference to Acts.

Reference  
to Acts.

## 1605.

An Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April 30th, 1855, p. 210, was repealed by Act of April 18th, 1857, p. 205.

An Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April 23d, 1858, p. 254.

An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April 23d, 1858, p. 254; approved March 22d, 1870, p. 350.

See Political Code, Secs. 739 and 828.

Code of Civil Procedure, Secs. 265 and 266.

## CHAPTER CCXV.

## SETTLERS.

## SECTION 1606. Reference to Acts.

Reference  
to Acts

## 1606.

An Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States, passed April 11th, 1850, p. 203, was repealed by the following Act:

An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April 20th, 1852, p. 158.

Amendment approved March 7th, 1859, p. 94.

Amendment approved April 10th, 1861, p. 143.

An Act to legalize certain statements in the form of affidavits made before the County Recorders of this State, passed April 28th, 1854, p. 142.

An Act to legalize certain statements in the form of affidavits made before the County Recorders of this State, approved April 3d, 1858, p. 112.

An Act for the protection of actual settlers, and to quit land titles in this State, approved March 26th, 1856, p. 54.

This Act was declared unconstitutional by the Supreme Court in the cases of *Billings vs. Hall*, 7 Cal. p. 1; *Lathrop vs. Mills*, 19 Cal, p. 513; and *Pioche vs. Paul*, 22 Cal. p. 105.

An Act for the better protection of settlers on public lands in this



State, and to secure the rights of parties in certain cases, approved April 26th, 1858, p. 345. Reference to Act.

"VAN NESS ORDINANCE."

An Act concerning the City of San Francisco, and to ratify and confirm certain ordinances of the Common Council of said city, approved March 11th, 1858, p. 52.

An Act to limit the time for the commencement of civil actions in certain cases (providing that the foregoing Act of March 11th, 1858, shall not aid parties who have not had actual possession within five years of action brought, etc.), approved March 5th, 1864; Stats. 1863-4, p. 149.

See "LIMITATIONS."

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CHAPTER CCXVI.

SEWING MACHINES.

SECTION 1607. Reference to Act.

1607.

An Act to exempt from forced sale certain property, approved February 18th, 1864; Stats. 1863-4, p. 92. Reference to Act.

See Code of Civil Procedure, Sec. 690.

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CHAPTER CCXVII.

• SHASTA COUNTY.

SECTION 1608. Reference to special and local Acts.

1608.

Boundaries, Stats. 1850, p. 62; 1851, p. 177; 1852, p. 228; 1856, p. 118; 1857, pp. 25, 109; 1859, p. 359; 1860, p. 339; 1863-4, p. 264. Reference to special and local Acts.

Seat of justice, Stats. 1850, p. 62; 1851, p. 177.

Authorizing J. L. Frenner to construct wagon road from Sacramento Valley to Oregon line, etc., Stats. 1852, p. 150.

Authorizing special election for Sheriff, Stats. 1852, p. 230.

Establishing Siskiyou County, Stats. 1852, p. 233.

Fixing time of holding Courts authorized to be held by County Judge, Stats. 1855, p. 40; 1856, p. 42.

Providing for better maintenance of indigent sick, Stats. 1856, p. 60.

Creating Tehama County, Stats. 1856, p. 118.

Reference  
to special  
and local  
Acts.

To provide for payment of indebtedness contracted prior to March 1st, 1857, Stats. 1857, p. 157; 1858, p. 216.

Fixing time of holding Court of Sessions and County Court, and changing manner of summoning jurors for County Court, Stats. 1858, p. 96; 1859, p. 120; 1861, p. 58.

Separating office of Collector of Taxes from office of Sheriff, Stats. 1858, p. 101.

Separating offices of Recorder, Auditor, and Clerk of Probate Court, from office of County Clerk, Stats. 1858, p. 105.

Regulating issue of county warrants, Stats. 1858, p. 162.

Authorizing Board of Supervisors to levy special tax and create Redemption Fund for payment of indebtedness, Stats. 1858, p. 215.

Creating Contingent Fund, Stats. 1859, p. 129.

Authorizing Recorder of Tehama County to transcribe certain records, Stats. 1859, p. 151.

Providing for compensation of Keeper of County Jail, etc., Stats. 1859, p. 223.

Authorizing Weaverville and Shasta Wagon Road Company to file certain papers *nunc pro tunc*, Stats. 1859, p. 227.

Concerning roads and highways, Stats. 1859, p. 244; 1863, p. 130; 1863-4, p. 39.

Authorizing Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*, Stats. 1860, p. 11.

Empowering Board of Supervisors to allow account of J. C. Hinckley & Co., for publishing delinquent tax lists, Stats. 1860, p. 52.

Authorizing Board of Supervisors to audit and allow Clerk of Court Sessions additional pay, etc., Stats. 1860, p. 79.

Providing for settling boundary line between Shasta and Plumas Counties, Stats. 1860, p. 339.

To transcribe certain records, Stats. 1862, p. 52; 1863, p. 21.

Providing for Public Administrator, Stats. 1863, p. 23.

Regulating fees of officers, Stats. 1863, p. 281.

Fixing salary of District Attorney, Stats. 1863, p. 355.

Making office of County Treasurer salaried office, Stats. 1863, p. 397.

Appropriating money to pay claim of H. C. Stockton, Stats. 1863, p. 571.

Creating Lassen County, Stats. 1863-4, p. 264.

Fixing time of holding County Court and Probate Court, Stats. 1863-4, p. 476.

Concerning office of Public Administrator, Stats. 1863-4, p. 480.

Wagon road company, Stats. 1866, p. 57.

Salary of County Judge, Stats. 1866, p. 98.

Office of Tax Collector abolished, Stats. 1866, p. 124.

Consolidation of offices, Stats. 1866, p. 129.

Supervisors to annul certain bonds, Stats. 1866, p. 284.

To prevent stallions from running at large, Stats. 1868, p. 70.

Roads and highways, Act amended, Stats. 1866, p. 564; 1868, p. 315.

Drawing warrants on Treasurer, Stats. 1866, p. 814; 1870, p. 344.

County Auditor's salary, Stats. 1866, p. 834.

Salary of District Attorney, Stats. 1868, p. 66.

County Judge to execute trusts, Stats. 1868, p. 74.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries of officers, Stats. 1868, p. 449; 1870, p. 148.

Corporation of Soda Springs and Pitt River Turnpike Road, time extended, Stats. 1868, p. 723.

Act in relation to herding sheep, Stats. 1870, p. 304.

Term of Soda Springs and Pitt River Turnpike Company extended, Stats. 1868, p. 723.

To provide for payment of salary of officers, Stats. 1870, p. 574.

Reference  
to special  
and local  
Acts.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersedes all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital, may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCXVIII.

### SHEEP.

SECTION 1609. Herding of, on possessory claims.

1610. Violation of Act; liability.

1611. Unknown owners; treated as estrays.

1612. Fines.

1613. On unoccupied lands.

1614. Liabilities of owners of dogs.

1615. Prosecutions.

1616. Dogs may be killed.

1617. Restriction.

1618. Owner liable for damages.

## SECTION 1619. Unknown parties.

1620. United States land.

1621. Repeal of certain Acts.

1622. Act applicable to certain counties.

1623. Violations; penalties.

1624. Fines for benefit of School Fund.

1625. Repealing clause; to take effect.

1626. Liability for damages.

1627. Dog tax.

1628. Collection.

1629. Ownership.

1630. Damages.

1631. Killing.

*An Act restricting the herding of sheep to certain pastures  
in the Counties of Sonoma and Marin.*

[Passed April 21, 1857, p. 227.]

[Enacting clause.]

Herding of,  
on possess-  
ory claims.

1609. SECTION 1. It shall not be lawful for any person or persons owning or having charge of any sheep within the Counties of Sonoma, Solano, Marin, San Mateo, Sutter, Santa Clara, Tulare, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, San Luis Obispo, Mariposa, Napa, Mendocino, Shasta, Fresno, and Siskiyou, to herd the same, or permit them to be herded on the land or possessory claims of other than the land or possessory claims of the owners of such sheep. (Amendment approved March 14th, 1870, p. 304, superseding amendment of April 28th, 1860, p. 332.)

Violation  
of Act.

1610. SEC. 2. The owner or owners, or the agents of such owners of sheep, violating the provisions of section first of this Act, on complaint of the party or parties injured, and on the conviction thereof before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty-five dollars, nor more

than two hundred dollars, and shall be liable to pay **Liability.** to the party or parties injured, in a further sum of not less than twenty-five dollars, in the nature of damages for each day such violation of said section shall be permitted to continue.

1611. SEC. 3. Where the owner or owners, or the agents of such owners of sheep, found trespassing upon the lands or possessory claim of another, shall be unknown to the party or parties injured by such trespass, then all sheep so found trespassing may be treated as estrays, according to the provisions of an Act entitled "An Act concerning estray animals," approved April nineteenth, A. D. eighteen hundred and fifty-six. **Unknown owners.** **Treated as estrays.**

1612. SEC. 4. All fines imposed and collected under the provisions of this Act shall go to the School Fund of the county. **Fines.**

1613. SEC. 5. Nothing in this Act shall be so construed as to prohibit or prevent the herding of sheep upon any unoccupied public lands of this State, or of the United States, within said counties; *provided*, that in the Counties of Mendocino, Calaveras, Yuba, Merced, Shasta, Siskiyou, Fresno, and Tulare, it shall not be lawful for any person or persons owning or having charge of any sheep, to herd the same on any unoccupied lands of this State, or of the United States, where such herding may cause injury or inconvenience to actual settlers residing contiguous to such lands, who have horses or cattle ranging on such unoccupied lands; and for a violation of this provision the penalties of section two of the original Act, to which this is amendatory, shall apply. (Amendment approved March 14th, 1870, p. 304, superseding amendment of April 28th, 1860, p. 332.) **On unoccupied lands.**

*An Act to protect sheep and lambs in this State.*

[Approved May 18, 1861, p. 501.]

[Enacting clause.]

Liabilities  
of owners  
of dogs.

1614. SECTION 1. The owner, possessor, or har-  
borer of any dog or other animal that shall kill or  
wound any sheep, lamb, or Angora or Cashmere goats,  
shall be liable to the owner or owners of the same for  
double their value, and may be prosecuted therefor  
before any Court of competent jurisdiction. (Amend-  
ment approved March 9th, 1870, p. 223.)

Prosecu-  
tions.

1615. SEC. 2. In prosecutions under the provis-  
ions of this Act, it shall not be necessary for the plain-  
tiff to show that the owner, possessor, or harbinger of  
the dog or other animal, as the case may be, had  
knowledge of the fact that such dog or animal would  
kill sheep.

Dogs may  
be killed.

1616. SEC. 3. Any person may kill any dog which  
he may find chasing, worrying, or wounding sheep,  
and shall not be liable therefor.

*An Act to restrict the herding of sheep.*

[Approved May 18, 1861, p. 523.]

[Enacting clause.]

Restriction

1617. SECTION 1. It shall not be lawful for any  
person or persons, owning or having charge of any  
sheep, to herd the same, or permit them to be herded,  
on the land or possessory claims of other than the  
land or possessory claims of the owners of such sheep.

Owner  
liable for  
damages.

1618. SEC. 2. The owner or owners, or the agents  
of such owners of sheep, violating the provisions of  
section one of this Act, shall be liable to the party  
injured for all damages sustained by such trespass;

and if such trespass be repeated by such owner or owners, or the agent or agents of such owners of sheep, he or they shall be liable to the party injured, for the second and every subsequent trespass, for double the amount of damage so sustained. (Amendment approved March 28th, 1868, p. 426; took effect immediately.) .

1619. SEC. 3. When the owner or owners, or the agents of such owners of sheep found trespassing upon the lands or possessory claim of another, shall be unknown to the party or parties injured by such trespass, then all sheep so trespassing may be treated as estrays, according to the provisions of an Act entitled an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six. Unknown parties.

1620. SEC. 4. Nothing in this Act shall be construed to prohibit or prevent the herding of sheep upon any unoccupied public lands of this State or of the United States. United States land.

1621. SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; and this Act is hereby made applicable to Los Angeles County. (Amendment approved February 9th, 1866, p. 56; took effect from passage.) Repeal of certain Acts.

SEC. 6. This Act shall take effect from and after its passage.

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*An Act to restrict the herding of sheep in certain counties of this State.*

[Approved May 6, 1862, p. 490.]

[Enacting clause.]

1622. SECTION 1. It shall not be lawful for any person or persons, owning or having charge of any sheep within the Counties of Mendocino, Lake, So- Act applicable to certain counties.

noma, and Marin, to herd the same, or permit them to be herded, on the land or possessory claims of other than the lands or possessory claims of the owners or herders of such sheep.

**Violations.** 1623. SEC. 2. The owner or owners, or the agent of such owners of sheep, violating the provisions of section first of this Act, on complaint of the party or parties injured, and on conviction thereof before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty-five dollars, nor more than two hundred dollars, and shall be liable to pay to the party or parties injured in a further sum of not less than twenty-five dollars, in the nature of the damages, for each day such violation of said section shall be permitted to continue.

**Fines for benefit of School Fund.** 1624. SEC. 3. All fines imposed and collected under the provisions of this Act shall be paid to the Treasurer of the county in which the same may have been collected, for the sole benefit and use of the School Fund of said county.

**Repealing clause.** 1625. SEC. 4. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed, so far as their application to the counties named in the first section of this Act may be concerned.

SEC. 5. This Act shall take effect from and after its passage.



*An Act to prevent the trespassing of sheep upon private lands in the County of Butte.*

[Approved March 26, 1866, p. 436.]

[Enacting clause.]

1626. SECTION 1. Any keeper or keepers of sheep in the County of Butte, who shall allow his sheep to run at large without herding, shall be liable to the payment of damages to any person or persons sustaining any injury by the trespass of such sheep upon any private lands in said county; such damages may be recovered by a civil action in any of the Courts of said county having jurisdiction in the premises; *provided*, that when the keeper or keepers of such sheep are known to the person or persons injured by such sheep, the persons so injured shall notify the keeper or keepers of such sheep of the trespass complained of, and shall give a reasonable time to said keeper or keepers of sheep to remove the same before any action for damages shall be maintained.

Liability  
for  
damages.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed so far as they conflict with this Act.

SEC. 3. This Act shall take effect immediately.

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*An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs.*

[Approved March 13, 1866, p. 225.]

[Enacting clause.]

1627. SECTION 1. Every owner, claimant, or keeper of a dog or dogs, of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed, or kept by him or her: for the first

Dog tax.

male dog, one dollar; for every additional male dog, two dollars; and for every female dog, three dollars.

**Collection.** 1628. SEC. 2. It shall be the duty of the County, District, or Township Assessors, as the case may be, at the time of making their annual assessment of real estate and personal property, to ascertain, by diligent inquiry and examination, the names of all persons owning, claiming, or keeping any dog or dogs, and they shall assess all such dogs in the amounts respectively, as provided in the first section of this Act, to the person or persons owning, claiming, or keeping the same, and shall make lists and delivery thereof on their annual tax lists or assessment rolls at the same time and in the same manner as their lists and delivery of other personal property are made and delivered; and the proper officers are hereby empowered and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and to pay over the same into the County School Fund.

**Ownership.** 1629. SEC. 3. Every dog kept or staying at any house shall be deemed sufficient evidence of ownership to authorize the Assessor to return the person inhabiting the house as the owner of such dog; and any person sending his or her dog from house to house or from place to place in order to evade said tax, shall pay double rates therefor; and every dog not so returned, shall be deemed to have no owner, and may be lawfully killed by any person seeing the same running at large.

**Damages.** 1630. SEC. 4. The owner or owners of any dog or dogs which shall worry, wound, or kill any sheep, Cashmere or Angora goats, shall be liable to the owner or possessor of such sheep, goat or goats, for the damages and costs of suit, to be recovered before any Court having jurisdiction in the case.

1631. Sec. 5. Any person finding any dog or **Killing.** dogs, not on the premises of its owner, worrying, wounding, or killing any sheep, or Cashmere or Angora goats, may kill the same, and the owner thereof shall sustain no action for damages against any person so killing any dog or dogs under such circumstances.

The Political Code, Sec. 19, continues in force "all Acts in relation to lawful fences, estrays, and the trespassing of animals upon private property." The above Acts are therefore given.

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## CHAPTER CCXIX.

### SHERIFF.

SECTION 1632. Reference to Acts.

#### 1632.

An Act concerning jails and Jailers, passed March 27th, 1850, p. 118, and an Act to prescribe the duties of Sheriffs, passed April 17th, 1850, p. 258, were repealed by the following Act: **Reference to Acts.**

An Act concerning Sheriffs, passed April 29th, 1851, p. 190.

Amendment approved May 17th, 1853, p. 196.

Amendment approved April 29th, 1857, p. 323.

An Act explanatory of the thirty-ninth section of the foregoing Act of April 29th, 1851, approved May 18th, 1853, p. 275.

An Act concerning the transportation of prisoners to the State Prison, and to appropriate money for the same, approved April 21st, 1858, p. 226.

See "PRISON OF STATE;" "REVENUE."

An Act for the relief of purchasers at sales of real estate by public officers, approved March 27th, 1858, p. 95.

See "CONVEYANCES."

See Political Code, Secs. 4175 to 4193, inclusive, "SHERIFF." Many duties devolve upon the Sheriff; consult indexes of the several Codes.

## CHAPTER CCXX.

## SIERRA COUNTY.

SECTION 1633. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 1633.

Boundaries, Stats. 1852, p. 230; 1863, p. 114.

Seat of justice, Stats. 1852, p. 230.

Creating Sierra County, providing for organization, etc., Stats. 1852, p. 230.

Allowing J. Golden to collect tolls on certain road, Stats. 1854, p. 214.

Fixing compensation of County Judge, Stats. 1855, p. 114.

To fund debt and provide for payment, Stats. 1856, p. 66; 1858, p. 127.

Defining time when county officers shall enter upon discharge of duties, Stats. 1856, p. 73; 1857, p. 316.

Fixing times of holding County Court, Probate Court, and Court of Sessions, Stats. 1858, p. 41; 1860, p. 52.

Providing for monthly statement of receipts and disbursements by County Treasurer, Stats. 1858, p. 67.

Authorizing Sierra Nevada Lake Water and Mining Company to change principal place of business, Stats. 1858, p. 80.

Concerning collection of poll taxes, license taxes, and foreign miners' licenses, Stats. 1858, p. 145; 1860, p. 80; 1862, p. 144.

Fixing compensation of District Attorney, Stats. 1858, p. 202; 1861, p. 377.

Concerning office of Public Administrator, Stats. 1859, p. 24.

Levying taxes for 1859 for county purposes, Stats. 1859, p. 132.

Separating offices of Recorder, Auditor, and Clerk of Probate Court from office of County Clerk, Stats. 1859, p. 299.

Changing the time of assessing value of real and personal property and collecting taxes, Stats. 1859, p. 317; 1862, p. 185; 1863, p. 323; 1863-4, p. 272.

Authorizing Board of Supervisors to levy taxes for county purposes, Stats. 1860, p. 84; 1861, p. 44; 1862, p. 21; 1863, p. 21; 1863-4, p. 25.

Providing for settling boundary line between Sierra and Plumas Counties, Stats. 1860, p. 339.

For relief of sureties upon recognizance of Mike Freel, Stats. 1861, p. 348.

In relation to county officers, Stats. 1861, p. 461; 1862, p. 103; 1863, pp. 78, 392.

Providing for payment of certain outstanding indebtedness, Stats. 1861, p. 505.

Changing time for meeting of Board of Supervisors, Stats. 1862, p. 21.

Granting right to construct turnpike from La Porte, through Beck-

with Pass, to eastern boundary of State, Stats. 1862, p. 479; 1863-4, p. 224. Reference  
to special  
and local  
Acts.

Establishing and regulating Fire Department of Town of Downieville, Stats. 1863, p. 70.

Incorporating Town of Downieville, Stats. 1863, p. 74; 1863-4, p. 275.

To better define boundaries, collect taxes, transfer records, and legalize actions determined and pending in Plumas and Sierra Counties, Stats. 1863, p. 114.

Regulating payments of money into County Treasury, Stats. 1863-4, p. 25.

Providing for time of holding County Court and Probate Court, Stats. 1863-4, p. 41.

Providing for collection of delinquent taxes, Stats. 1863-4, p. 86.

Concerning roads and highways, Stats. 1863-4, p. 175.

Authorizing Board of Supervisors to provide for construction of certain wagon roads, Stats. 1863-4, p. 200.

Indigent sick in, Stats. 1866, p. 34.

Wagon road from Downieville to Sierraville, Stats. 1866, p. 43.

To levy taxes for county purposes, Stats. 1866, p. 55.

Public roads and trails in, Stats. 1866, p. 60.

Canal companies incorporation Act, Stats. 1866, p. 53.

Terms of District Court, Stats. 1866, p. 79; repealed, Stats. 1867-8, p. 95.

Changing time of assessing property, Stats. 1866, p. 104.

To issue bonds for Marysville and Beckwith Pass turnpike road, Stats. 1866, p. 113.

County officers, Act amended, Stats. 1866, p. 132.

Boundary line, Stats. 1866, p. 228.

Act to regulate fees, Stats. 1866, p. 272.

To further regulate collection of taxes, Stats. 1866, p. 540.

Hogs running at large, Act extended to, Stats. 1866, p. 567.

For collecting taxes, Stats. 1866, p. 860.

Act concerning jurors, Stats. 1868, p. 39.

Time of assessing property changed, Stats. 1868, p. 62.

Terms of District Court in, Stats. 1868, p. 96.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448.

Boundaries, Stats. 1868, p. 462.

In relation to county officers, Stats. 1870, p. 285,

Roads and highways in Sierra Township, Stats. 1870, p. 378.

Wagon road from Weber's Lake to Randolph, Stats. 1866, p. 284.

Stallions running at large, Stats. 1868, p. 70.

Franchise to J. C. Church and others for wagon road to Quincy, Stats. 1866, p. 490.

Leave of absence to District Attorney, Stats. 1870, p. 397.

Supervisors to build wagon road, Stats. 1870, p. 519.

For the protection of game, Act amended, Stats. 1870, p. 853.

Reference  
to special  
and local  
Acts.

## TOWN OF DOWNIEVILLE.

Collection of delinquent taxes in, Stats. 1866, p. 40.

Wagon road to Sierraville, Stats. 1866, p. 43.

Incorporation Act amended, Stats. 1866, p. 642.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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 CHAPTER CCXXI.

## SILK CULTURE.

## SECTION 1634. Reference to Acts.

Reference  
to Acts.

## 1634.

An Act for the encouragement of silk culture in California, approved April 2d, 1866, p. 660, was repealed by an Act bearing the same title, approved March 30th, 1868, p. 699; and this latter Act was repealed by an Act approved February 18th, 1870, p. 79.

## CHAPTER CCXXII.

## SISKIYOU COUNTY.

SECTION 1635. Reference to special and local Acts.

**1635.**

Reference  
to special  
and local  
Acts.

Boundaries and seat of justice, Stats. 1852, p. 233.

Establishing Siskiyou County, Stats. 1852, p. 233.

Fixing compensation of County Judge, Stats. 1855, p. 150.

Providing for better maintenance of indigent sick, Stats. 1856, p. 60;  
1861, p. 212.

Creating Board of Commissioners to examine claims and report  
amount for services rendered and supplies furnished in suppression of  
Indian hostilities, Stats. 1856, p. 109.

Fixing compensation of District Attorney, Stats. 1857, p. 21; 1859, p.  
59; 1863, p. 101.

Fixing time of holding Court of Sessions, County Court, and Pro-  
bate Court, Stats. 1857, p. 207.

Providing for incorporation of City of Yreka, Stats. 1857, p. 229;  
1860, p. 313.

To fund debt, Stats. 1857, p. 318; 1858, p. 27; 1860, p. 48; 1862, p. 54.

Authorizing Board of Supervisors to levy additional tax for county  
expenditures, Stats. 1858, p. 26.

Fixing compensation of members of Board of Supervisors, Stats.  
1858, p. 61.

Extending time for making assessment and collection of taxes, Stats.  
1858, p. 137; 1859, p. 31.

Legalizing order of Court of Sessions (allowing County Treasurer  
certain compensation), Stats. 1859, p. 3.

Authorizing Board of Supervisors to audit and allow claims of D.  
R. Dale, Stats. 1859, p. 40.

Authorizing Board of Supervisors to transfer certain funds, Stats.  
1859, p. 118; 1860, p. 48.

Authorizing county to retain State's portion of poll tax, etc., to be  
applied to construction and improvement of wagon road from Clover-  
dale to Yreka, Stats. 1859, p. 323.

Concerning roads and highways, Stats. 1859, p. 368; 1860, pp. 42, 95,  
314; 1861, p. 475; 1862, p. 69; 1863-4, p. 296.

Authorizing Shasta and Yreka Turnpike Company to file certain  
papers *nunc pro tunc*, Stats. 1860, p. 11.

Providing for reindexing county records, Stats. 1861, p. 274.

Legalizing acts of County Surveyor in defining northern boundary  
line, Stats. 1861, p. 373.

Authorizing widow of David Butterfield, deceased, to convey certain  
property, Stats. 1861, p. 526.

Authorizing Board of Supervisors to audit and allow claim of R.  
Nixon, Jr., Stats. 1862, p. 271.

Reference  
to special  
and local  
Acts.

To submit claim of W. Martin to voters, Stats. 1862, p. 527.  
 For relief of M. Sleeper, Tax Collector, Stats. 1863, p. 54.  
 Authorizing Board of Supervisors to transfer certain funds belonging to County Hospital General Fund to School Fund, Stats. 1863-4, p. 188.  
 Interest tax of, Stats. 1866, p. 225.  
 Roads and highways in, Stats. 1866, pp. 318, 664.  
 Concerning marks and brands, Stats. 1866, p. 332. .  
 Bridge franchise across Klamath River, Stats. 1866, p. 353.  
 Fees of office of Assessor and Treasurer, Stats. 1866, p. 552.  
 To refund the funded debt, Stats. 1868, p. 343.  
 To transfer moneys to School Fund, Stats. 1868, p. 422.  
 Supervisors' compensation, Stats. 1868, p. 449.  
 Assessor's compensation, Stats. 1868, p. 449.  
 Fees and salaries, Stats. 1868, p. 448, repealed, as to Siskiyou, Stats. 1870, p. 262, Sec. 31, of special Act, Stats. 1870, p. 249.  
 Act concerning jurors, Stats. 1868, p. 89.  
 Supervisors to transfer moneys, Stats. 1870, p. 51.  
 To create Board of Water Commissioners, Stats. 1866, p. 609.  
 Fees of office, Stats. 1866, p. 694.  
 To transfer and loan money on land, Stats. 1866, p. 83.  
 Protection of game, Stats. 1866, p. 855.  
 Act concerning trout, Stats. 1866, p. 857.  
 To regulate fees of office in, Stats. 1870, p. 249.  
 Act in relation to herding sheep, Stats. 1870, p. 304.  
 Relative to Yreka School District, Stats. 1870, p. 326.  
 Indigent sick, Stats. 1870, p. 361.  
 Roads and highways, Stats. 1870, p. 396.  
 Term of Soda Springs and Pitt River Turnpike franchise extended, Stats. 1868, p. 723.

#### CITY OF YREKA.

Corporation of Soda Springs and Pitt River Turnpike Company, time extended, Stats. 1868, p. 723.  
 Incorporation Act amended, Stats. 1866, p. 529.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

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The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital



may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCXXIII.

### SOLANO COUNTY.

SECTION 1636. Reference to special and local Acts.

#### 1636.

Boundaries and seat of justice, Stats. 1850, p. 61; 1851, p. 179; 1852, p. 236; 1853, p. 20. Reference to special and local Acts.

Legalizing order of Court of Sessions in relation to reduction of taxes, Stats. 1851, p. 310.

Authorizing W. Moody and M. Hart to build wharf, Stats. 1852, p. 237; 1853, p. 80; 1857, p. 249; 1858, p. 74.

Attaching Signor or Mare Island to county, Stats. 1853, p. 20.

To fund debt and provide for payment, Stats. 1854, p. 80; 1863-4, p. 31.

Authorizing S. K. Nurse to build wharf, Stats. 1854, p. 196.

Authorizing L. Richardson to build wharf, Stats. 1854, p. 256.

Authorizing D. N. Darlington and others to build wharf, Stats. 1855, p. 15.

Fixing time for holding Court of Sessions, County Court, and Probate Court, Stats. 1856, p. 61; 1859, p. 260; 1860, p. 106; 1863, p. 48.

Fixing compensation of County Judge, Stats. 1857, p. 14; 1862, p. 64.

Fixing compensation of District Attorney, Stats. 1857, p. 14; 1858, p. 202; 1859, p. 59.

Legalizing certain records, Stats. 1857, p. 159.

Authorizing A. Powell, Jr., and others to construct wharf, Stats. 1857, p. 203.

Authorizing Main Street Wharf Company to build wharf, Stats. 1857, p. 221.

Authorizing C. J. Collins, associates and assigns, to build wharf at Point Collberg, Stats. 1857, p. 230; 1860, p. 138.

To adjust amount of indebtedness of Napa County to Solano County, Stats. 1857, p. 234.

Providing for transcribing and transferring certain records of Napa County, Stats. 1858, p. 65.

For relief of Paul Shirley, late Sheriff, Stats. 1858, p. 151.

To relocate county seat by qualified voters, Stats. 1858, p. 294.

Authorizing A. P. Jackson to excavate and render navigable a certain slough, Stats. 1858, p. 313.

Reference  
to special  
and local  
Acts.

- Authorizing A. P. Jackson to construct wharf, Stats. 1858, p. 316.
- Concerning roads and highways, Stats. 1859, p. 16 (referring to Stats. 1857, p. 227), 1860, p. 25.
- Extending time for collecting taxes, Stats. 1859, p. 18; 1860, p. 7.
- Authorizing construction of certain wharves by J. R. Price and others, Stats. 1859, p. 35; 1860, p. 19.
- Providing for erection of public buildings, Stats. 1859, p. 37.
- Concerning County Judge, Stats. 1859, p. 51.
- Authorizing and empowering County Recorder to transcribe certain records, and legalizing same, Stats. 1859, p. 66.
- Concerning office of Sheriff, Stats. 1859, p. 94.
- Authorizing sale of certain real estate by guardians of minor heirs of Manuel Baca, deceased, Stats. 1859, p. 137; 1860, p. 177.
- Providing for levying taxes for 1859; Stats. 1859, p. 157.
- Authorizing Board of Supervisors to take and subscribe two hundred thousand dollars to stock of San Francisco and Marysville Railroad Company, etc., Stats. 1859, p. 266.
- Authorizing administratrix of John McKenna, deceased, to sell real estate, Stats. 1860, p. 27.
- Confirming and legalizing tax list and assessment roll for fiscal year, ending June 30th, 1861, and extending time for Sheriff to collect delinquent taxes, Stats. 1861, p. 7.
- Changing name of Brazos del Rio to Rio Vista, Stats. 1861, p. 12.
- Granting certain wharf privileges to Paul Shirley and T. B. Storer and assigns, Stats. 1861, p. 204.
- Separating office of County Recorder from office of County Clerk, Stats. 1861, p. 348.
- Relative to certain school moneys, Stats. 1861, p. 414.
- Authorizing D. D. Reeve and others to build wharf at Suisun City, Stats. 1861, p. 470.
- Authorizing Board of Supervisors to levy additional road tax, Stats. 1862, p. 31; 1863, p. 772.
- To legalize and provide for collection of delinquent taxes due to Benicia City, Stats. 1862, p. 36.
- Authorizing construction and maintenance of wharf on Sacramento River, Stats. 1862, p. 41.
- Authorizing B. Nickerson and others to construct and maintain wharf, Stats. 1862, p. 214.
- Creating Contingent Fund, Stats. 1862, p. 239.
- Authorizing M. A. Wheaton and others to establish and maintain ferry, Stats. 1862, p. 495.
- Concerning records of fees and duties of certain officers, Stats. 1863, p. 182.
- Regulating fees of certain officers, Stats. 1863, p. 190.
- Authorizing and requiring County Superintendent of Common Schools to apportion money to Rio Vista School District, Stats. 1863, p. 302.
- Fixing salary of County Superintendent of Public Schools, Stats. 1863-4, p. 150.

Reference  
to special  
and local  
Acts.

In relation to roads and roadmasters, Stats. 1863-4, p. 214.

Establishing pilots and pilot regulations for Mare Island and Benicia, Stats. 1863-4, p. 389.

Concerning records of District Court of Seventh Judicial District in and for Solano County, Stats. 1863-4, p. 477 (refers to Stats. 1863, p. 260).

Terms of County and Probate Courts, Stats. 1866, p. 39.

To subscribe to San Francisco and Marysville Railroad Company, Stats. 1866, p. 46.

To levy additional road tax, Stats. 1866, p. 48.

To establish steam ferry between Vallejo and Mare Island, Stats. 1866, p. 147.

To develop agriculture and construct canal, Stats. 1866, p. 451.

Division into assessment districts, Stats. 1866, p. 462; 1868, p. 103.

Location and survey of highway from Suisun City, Stats. 1866, p. 616.

To pay certain claims, Stats. 1866, p. 628.

Franchise to J. Forney to maintain ferry, Stats. 1866, p. 782.

Franchise to E. Hilton and others to build wharf, Stats. 1866, p. 808.

To transcribe and preserve records, Stats. 1866, p. 830.

Supervisors to pay certain claim, Stats. 1866, p. 6.

To levy additional road tax, Stats. 1868, p. 32.

To audit and settle certain claims, Stats. 1868, p. 98.

Terms of County and Probate Courts, Stats. 1868, p. 102.

To subscribe to San Francisco and Marysville Railroad Company, Stats. 1868, p. 331.

Roads and Roadmasters, Stats. 1868, p. 405.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To establish a steam ferry, Stats. 1868, p. 600.

Wharf franchise to ———, at Vallejo, Stats. 1868, p. 615.

Wharf franchise to Virginia Street Wharf Company, Stats. 1868, p. 673.

Wharf franchise to P. K. Hubbs and others, Stats. 1868, p. 701; 1870, p. 101.

Trustees of Vallejo School District to borrow money, Stats. 1870, p. 85.

To confirm action of Trustees, Stats. 1870, p. 248.

Act in relation to herding sheep, Stats. 1870, p. 304.

For the relief of Mary Likins and others, Stats. 1870, p. 351.

To levy additional road tax, Stats. 1870, p. 396.

To transfer money from one Fund to another, Stats. 1870, p. 414.

Franchise to D. N. Darlington and others for wharf, Act amended 1870, p. 441.

For relief of A. Roberts, Sheriff, Stats. 1870, p. 442.

CITY OF BENICIA.

Incorporating City of Benicia, Stats. 1850, p. 119; 1851, p. 357.

**Reference  
to special  
and local  
Acts.**

Second Act incorporating city and repealing first, Stats. 1851, p. 348; 1854, p. 63; 1859, p. 314.

Authorizing Pacific Mail Steamship Company to hold, use, and occupy certain lands in city, Stats. 1858, p. 138.

Giving consent to the purchase of certain land by the United States (600 acres adjoining Benicia, used and occupied for military purposes), Stats. 1855, p. 45.

Ceding certain property to city (water front), Stats. 1855, p. 239.

Establishing pilots and pilot-regulations for port and harbor, Stats. 1856, p. 62 (refers in repealing section to Stats. 1850, p. 46.)

Authorizing Mayor to enter into agreement with S. C. Hastings for exchange of certain property for school purposes, Stats. 1859, p. 95.

To repeal the several Acts incorporating city, and provide for government thereof, Stats. 1859, p. 314; 1860, p. 118; 1861, p. 17; 1862, p. 231.

Authorizing Benicia Cemetery Association to close certain streets and alleys, Stats. 1862, p. 9.

Conferring further powers upon the Trustees, Stats. 1862, p. 492.

Establishing pilots and pilot regulations (repealing all other Acts), Stats. 1863-4, p. 389.

To settle title to lands, Stats. 1866, p. 107.

Incorporation Act amended, Stats. 1868, pp. 3, 206, repealed 1870, p. 854.

Trustees to refund debt, Stats. 1870, p. 225.

**CITY OF VALLEJO.**

Incorporation Act of Town of Vallejo, Stats. 1866, p. 431.

Incorporation of city, Stats. 1868, p. 618.

To define powers and duties of Board of Education, Stats. 1870, p. 388.

To confirm certain ordinances, Stats. 1870, p. 515.

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## CHAPTER CCXXIV.

## SOLE TRADERS.

SECTION 1637. Reference to Acts.

**1637.**

An Act to authorize married women to transact business in their own name as sole traders, approved April 12th, 1852, p. 101. Reference to Acts.

Amendment approved April 8th, 1862, p. 108.

An Act amendatory of and supplemental to the foregoing Act of April 12th, 1852, approved April 8th, 1862, p. 108.

See Code of Civil Procedure, Secs. 1811 to 1821, inclusive, "OF SOLE TRADERS."

## CHAPTER CCXXV.

## SONOMA COUNTY.

SECTION 1638. Reference to special and local Acts.

**1638.**

Boundaries, Stats. 1850, p. 60; 1851, p. 178; 1852, p. 236; 1855, p. 150; 1861, p. 351. Reference to special and local Acts.

Seat of justice, Stats. 1850, p. 60; 1851, p. 178; 1852, p. 236; 1854, p. 72; 1855, p. 151; 1861, p. 586.

Incorporating City of Sonoma, Stats. 1850, p. 150; 1862, p. 460; 1863, p. 245.

Locating county seat anew, Stats. 1854, p. 72.

Providing for erection of County Jail and certain bridges, Stats. 1855, p. 40; 1856, p. 136.

Providing for settling boundary line between Sonoma and Marin Counties, Stats. 1856, p. 34.

Authorizing J. H. Hill, guardian of William R. Burns, a lunatic, to sell real estate of his ward, Stats. 1856, p. 50.

Extending time for presentation and allowance of claims against the estate of S. A. Booke, deceased, Stats. 1856, p. 51.

Granting Sheriff additional time to make annual settlement for collection of taxes for 1855, Stats. 1856, p. 101.

Fixing time of holding Courts authorized to be held by County Judge, Stats. 1856, p. 117; 1859, p. 225.

Authorizing Board of Supervisors to levy special tax for redemption of certain outstanding warrants, Stats. 1856, p. 136.

Concerning office of County Recorder (separating it from office of County Clerk), Stats. 1857, p. 20.

Reference  
to special  
and local  
Acts.

Granting privilege to J. A. Rudisall to erect wharf on Petaluma Creek and collect wharfage, Stats. 1857, p. 32.

Fixing compensation of certain officers (District Attorney, Assessor and deputies, Sheriff, and Treasurer), Stats. 1857, p. 256.

Legalizing and confirming assessment roll and publication of same, and extending time for collection of revenue, Stats. 1858, p. 28; 1859, p. 6.

Providing for transcribing and transferring certain records to Napa County, Stats. 1858, p. 65.

Concerning roads and highways, Stats. 1858, p. 227; 1859, p. 16; 1860, pp. 25, 118 (refers to Stats. 1860, p. 42); 1861, p. 378; 1863-4, p. 519.

Allowing B. Hoen to sell certain real estate of minor heirs of William M. West, deceased, Stats. 1859, p. 58.

Authorizing administrator of Martin E. Cook, deceased, to execute certain conveyances, Stats. 1859, p. 72.

In relation to trial jurors in Court of Sessions and County Court, Stats. 1859, p. 159; 1862, p. 247.

Regulating salaries of certain county officers (County Judge, District Attorney, and Supervisors), Stats. 1859, p. 185.

Authorizing retention of State's portion of poll tax, etc., to be applied to construction and improvement of wagon road from Cloverdale to Yreka, Stats. 1859, p. 323; 1861, p. 173.

Extending time for collection of taxes, Stats. 1860, p. 21; 1861, p. 16.

Authorizing and empowering County Recorder to transcribe certain records, and legalizing same, Stats. 1860, p. 109.

To fund debt and provide for payment, Stats. 1860, p. 111; 1861, p. 168.

Authorizing A. P. Overton and associates to construct wharf on Petaluma Creek. Stats. 1860, p. 138.

Authorizing J. Chadbourne and J. Bacon to construct and maintain wharf at Lakeville, Stats. 1860, p. 209.

Relative to Board of Supervisors, Stats. 1860, p. 337.

Authorizing sale of real estate by guardians of minor heirs of Stephen Smith, deceased, Stats. 1861, p. 48.

Authorizing H. S. May and associates to construct wharf on Petaluma Creek, Stats. 1861, p. 249.

For relief of E. L. Green, Sheriff, Stats. 1861, p. 308.

Defining boundary line between Sonoma and Marin Counties, Stats. 1861, p. 351.

To relocate county seat by qualified voters, Stats. 1861, p. 586.

Providing for transcribing records of surveys, Stats. 1862, p. 53.

Providing for construction of public road from Petaluma to Bloomfield, Stats. 1862, p. 90.

Authorizing J. B. Price and associates to construct and maintain turnpike from Cloverdale to Sanel, and to charge and collect toll, Stats. 1862, p. 101; 1863, p. 502.

Granting right to construct turnpike between Petaluma and Santa Rosa, Stats. 1862, p. 169.

Regulating fees of officers, Stats. 1862, p. 174.

Granting H. J. May and others right to lay railroad track along streets in Petaluma and through public road, Stats. 1862, p. 295; 1863, p. 234. Reference to special and local Acts.

Granting to T. S. Benoiste and associates right to construct and maintain wagon road, Stats. 1862, p. 429.

Legalizing delinquent tax lists for 1859, 1860, 1861, and 1862, Stats. 1862, p. 567.

For payment of expenses incurred in executing certain writs of restitution, Stats. 1863, p. 11.

Authorizing Board of Supervisors to appropriate money for map, Stats. 1863, p. 130.

Granting I. P. Smith and others right to construct wagon road from Cloverdale to McDonald's House in Mendocino County, etc., Stats. 1863, p. 233.

Extending to Sonoma County provisions of Act to organize townships, etc., and submit same to vote, Stats. 1863, p. 242.

Conferring further powers on "Buena Vista Vinicultural Association," Stats. 1863, p. 324.

Legalizing survey of Green's Addition to Town of Santa Rosa, Stats. 1863, p. 495.

Providing for better maintenance of indigent sick, Stats. 1863, p. 579.

To organize Fire Department of Santa Rosa, Stats. 1863, p. 742.

Authorizing Board of Supervisors to levy additional tax for road purposes, Stats. 1863, p. 766.

To provide for and define manner of collecting tax to build school house in "Court House District," Stats. 1863-4, p. 152.

Granting right of way over certain lands for construction of wagon road to G. Shaul and others, Stats. 1863-4, p. 168.

Fixing salary of Clerk of Board of Supervisors, Stats. 1863-4, p. 313.

Fixing compensation of Board of Supervisors, Stats. 1863-4, p. 319.

Conferring certain powers on Board of Supervisors (to pay J. B. Raney for board and lodging of Sheriff's posse), Stats. 1863-4, p. 319.

To fund debt of; Stats. 1866, p. 47.

Road franchise to J. B. Estes and others, Stats. 1866, p. 158.

Roads and highways, Stats. 1866, p. 176; 1868, p. 703; 1870, pp. 502, 650.

Time of holding County and Probate Courts, Stats. 1866, p. 196; 1868, p. 537.

To prevent stallions from running at large, Stats. 1868, p. 70.

Compensation of Supervisors, Stats. 1866, p. 487.

To improve Petaluma Creek, Stats. 1866, p. 525.

To prevent destruction of fish, Stats. 1868, p. 13.

Boundaries of, Stats. 1868, p. 42.

Wharf franchise at Lakeville, Stats. 1868, p. 157.

To donate lands to railroad, Stats. 1868, p. 189.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 450.

Superintendent of Public Instruction to be member of State Board of Education, Stats. 1870, p. 824.

Reference  
to special  
and local  
Acts.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 Wharf franchise granted to W. Behler and others, Stats. 1868, p. 709.  
 Board of School Trustees to borrow money, Stats. 1870, p. 15.  
 Create office of Notary Public, Stats. 1870, p. 55.  
 To prevent stallions from running at large, Stats. 1870, p. 68.  
 Transfer of funds, Stats. 1870, p. 103.  
 Act in relation to herding sheep, Stats. 1870, p. 304.  
 To provide for public road from Russian River, Stats. 1870, p. 502.  
 Leave of absence granted to District Attorney, Stats. 1870, p. 416.  
 Translation of foreign records, Stats. 1870, p. 582.  
 Power of Trustees of Sonoma College, Stats. 1870, p. 625.  
 Roads and highways in, Stats. 1870, p. 650.  
 Construction of Hall of Records, Stats. 1870, p. 675.

## CITY OF PETALUMA.

Incorporating Town of Petaluma (under name of City of Petaluma), Stats. 1858, p. 140; 1859, pp. 210, 336; 1862, p. 133; 1863, p. 568.  
 Granting right to city to improve the navigation of Petaluma Creek, Stats. 1859, p. 214; 1861, p. 45.  
 Authorizing Trustees of Petaluma School District to levy tax for certain purposes, Stats. 1860, p. 100.  
 Providing for construction of railroad from point on Petaluma Creek into city, and for right of way for same, Stats. 1860, p. 265; 1861, p. 479.  
 To legalize survey (W. A. Eliason's) of city, Stats. 1861, p. 33.  
 Authorizing and requiring Trustees to call election for certain purposes (for submitting question whether charter should be repealed), Stats. 1861, p. 43.  
 Authorizing Trustees of Petaluma School District to levy tax for school purposes, Stats. 1861, p. 215.  
 Authorizing Trustees of Petaluma School District to levy tax to refund certain moneys paid by late Trustees, Stats. 1861, p. 266.  
 Granting H. J. May and others right to lay a railroad track along certain streets, Stats. 1862, p. 295; 1863, p. 234.  
 Empowering Board of Trustees to levy special tax for benefit of Fire Department, Stats. 1863, p. 186.  
 Authorizing Trustees of Petaluma School District to levy tax for school purposes, Stats. 1863, p. 355.  
 In relation to the Recorder of city, Stats. 1863-4, p. 227.  
 Time extended for street railroad, Stats. 1866, p. 568.  
 Trustees to execute certain trust, Stats. 1868, p. 297.  
 Municipal elections to be held, Stats. 1868, p. 378.  
 Act to reincorporate, Stats. 1868, p. 383.  
 Board of Education, powers and duties of, Stats. 1870, p. 95.

## CITY OF SONOMA.

To confirm and legalize acts and proceedings of Council and officers, Stats. 1870, p. 413.  
 To establish Board of Commissioners for 1868, p. 576.



## STALLIONS.

1001

### TOWN OF HEALDSBURG.

Incorporation of, Stats. 1868, p. 170.

Reference  
to special  
and local  
Acts.

### TOWN OF SANTA ROSA.

Incorporation of, Stats. 1868, p. 170.

To alter corporate limits of, Stats. 1870, p. 473.

Municipal elections to be held, Stats 1868, p. 378.

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## CHAPTER CCXXVI.

### STALLIONS.

SECTION 1639. Stallions not to run at large.

1640. Penalty.

1641. In case of trespass; proviso.

1642. Advertisement when owner is unknown.

1643. Act extended to certain counties.

1644. Sale of animals.

*An Act to prevent stallions from running at large in the  
County of Sacramento.*

[Approved March 28, 1859, p. 149.]

[Enacting clause.]

1639. SECTION 1. From and after the passage of this Act it shall not be lawful for the owner or owners

Stallions  
not to run  
at large.

of stallions to allow the same to run at large in the County of Sacramento.

Penalty.

1640. SEC. 2. If any owner or owners, or the agent of such owner or owners, shall permit any animal, as aforesaid, contrary to the first section of this Act, to run at large, it shall be lawful for any person injured thereby to bring suit before any Justice of the Peace, in the proper township, against the person or persons so offending, who, upon conviction, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, to be collected as fines are now collected by law.

In case of trespass.

1641. SEC. 3. Should any such animal, as aforesaid, be found trespassing upon lands or possessory claims of another, the person owning the land or possessory claim may take up and safely keep such animal, and when so doing shall give the owner or owners thereof five days' notice that such an animal is in his or their possession; and if, at the expiration of the aforesaid time, the owner or owners, or the agent of such owner or owners, shall neglect or refuse to remove such animal and pay for all reasonable costs for keeping the same, then the owner or owners of the land or possessory claim may cause such animal to be emasculated; *provided, however,* that the emasculation of such animal shall not release the owner or owners thereof from the penalty imposed by section two of this Act.

Proviso.

Advertisement when owner is unknown.

1642. SEC. 4. Should the owner or owners of such animal be unknown, then in that case it shall be the duty of the person in whose possession the animal may be, to forthwith give notice, with a description of the animal, its marks or brands, in some paper published in the county, for three successive weeks, calling upon the owner or owners to come forward and

claim his or their property; and if, at the expiration of <sup>Same.</sup> one month thereafter, no such owner or owners shall appear, then it shall be the duty of the person having possession of such animal to deliver the same to the Constable of the proper township, whose duty it shall be to publicly dispose of the same to the highest bidder; and after paying all expenses necessarily connected with such animal, to pay the remainder into the County Treasury, to be credited to the Common School Fund; *provided, however,* that should the owner or owners make claim to such property previous to sale being made, nothing in this Act shall be so construed as to exempt them from all the expenses incurred or from the penalties imposed therein.

SEC. 5. This Act shall take effect from and after the first day of May, A. D. eighteen hundred and fifty-nine.

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*An Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine.*

[Approved March 20, 1866, p. 327.]

[Enacting clause.]

1643. SECTION 1. An Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eight, one thousand eight hundred and fifty-nine, is hereby extended to and made applicable to the Counties of Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, Merced, Yolo, Stanislaus, Butte, Mendocino, Shasta, Colusa, Tehama, Sonoma, and Sierra Township, in Sierra County; *provided,* that no stallion under the age of twelve months shall be taken up under the provisions of this Act. (Amendment approved February 21st, 1868, p. 70; took effect

Act to  
extend to  
certain  
counties.

from passage, superseding amendment of March 20th, 1866, p. 327.)

[The provisions of the Act were further extended to the Counties of Siskiyou, Plumas, Sierra, Monterey, San Mateo, Nevada, and Alpine, by Act approved February 14th, 1870, p. 68.]

**Sale of  
animals.**

1644. SEC. 2. Should the owner or owners of such animals be unknown, then in that case it shall be the duty of the person in whose possession the animal may be to forthwith give notice, with a description of the animal, its marks or brands, in some paper published in the county, for three successive weeks, or by posting notice in at least three conspicuous places for the same length of time, one of which notices shall be at the Court House door of the county, calling upon the owner or owners to come forward and claim his or their property; and if, at the expiration of one month thereafter, no such owner or owners shall appear, then it shall be the duty of the person having possession of such animal to deliver the same to the Constable of the proper township, whose duty it shall be to publicly dispose of the same to the highest bidder, and after paying all expenses necessarily connected with such animal, to pay the remainder into the County Treasury, to be credited to the County School Fund; *provided, however,* that should the owner or owners make claim to such property previous to sale being made, nothing in this Act shall be so construed as to exempt from all expenses incurred or from the penalties imposed therein.

SEC. 3. This Act shall take effect and be in force from and after its passage.

[The Political Code, Sec. 19, continues in force "all Acts in relation to lawful fences, estrays, and the trespassing of animals upon private property," therefore the above Acts are given in full.]

## CHAPTER CCXXVII.

## STANISLAUS COUNTY.

SECTION 1645. Reference to special and local Acts.

**1645.**

Reference  
to special  
and local  
Acts.

Boundaries, Stats. 1854, pp. 21, 148; 1855, p. 245; 1860, p. 34.

Seat of justice, Stats. 1854, p. 21; 1861, p. 252; 1862, p. 86.

Creating Stanislaus County, defining boundaries and providing for organization, Stats. 1854, pp. 21, 148.

To establish prominent boundary line between Stanislaus and Tuolumne Counties, Stats. 1855, p. 245.

Granting to Sheriff additional time to make annual settlement for collection of taxes for 1855, Stats. 1856, p. 101.

Fixing compensation of County Judge, Stats. 1857, p. 20.

Fixing compensation of District Attorney, Stats. 1857, p. 20.

Authorizing Board of Supervisors to levy additional tax for county purposes, Stats. 1857, p. 67.

Making orders or warrants drawn on Treasurer and payable out of county revenue receivable for county taxes and dues, Stats. 1857, p. 186; 1863-4, p. 218.

Changing manner of paying officers of election, Stats. 1858, p. 94.

Fixing compensation of members of Board of Supervisors, Stats. 1858, p. 132.

Annexing portion of San Joaquin County to Stanislaus County, Stats. 1860, pp. 34, 267.

Authorizing removal of human remains by S. Bishop and others, Stats. 1861, p. 57.

For permanent location of county seat, Stats. 1861, p. 252.

Authorizing administratrix of George M. Bonds, deceased, to sell real estate, Stats. 1861, p. 485.

Fixing times of holding terms of County Court and Court of Sessions, Stats. 1861, p. 567.

Authorizing administrator of Albert Cutler, deceased, to sell real estate (refers to Stats. 1861, p. 15), Stats. 1862, p. 8.

Granting to Stanislaus Bridge and Ferry Company right to construct and maintain bridge or bridges across Stanislaus River, Stats. 1862, p. 19.

Submitting location of county seat to qualified electors, Stats. 1862, p. 86.

To appoint Commissioners to adjust affairs of Stanislaus and San Joaquin Counties, Stats. 1862, p. 514.

Allowing County Clerk to reside out of county, Stats. 1863, p. 12.

Providing for construction of wagon road from Sonora to Aurora, Stats. 1863, pp. 134, 761; 1863-4, p. 157.

Authorizing Board of Supervisors to take and subscribe twenty-five

Reference  
to Acts,  
general  
and special

thousand dollars to stock of Stockton and Copperopolis Railroad Company, etc., Stats. 1863, p. 310.

Granting right to B. W. Hathaway and others to construct and maintain turnpike or toll road from Sonora to State line in Mono County, Stats. 1863-4, p. 155.

To enable Sonora and Mono Wagon Road Commissioners to settle with county, Stats. 1863-4, p. 364.

Legalize and provide for collection of delinquent taxes, Stats. 1866, p. 145.

Compensation of Sheriff, Stats. 1866, p. 198.

Roads and highways, Stats. 1866, p. 209.

To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70.

Official publications, Stats. 1866, p. 453.

To subscribe to Stockton and Copperopolis Railroad Company, amendment to Act 1866, p. 543; repealed 1868, p. 66.

Act concerning rodeos, Stats. 1866, p. 673.

Terms of District Court, Stats. 1868, p. 618.

Boundaries defined, Stats. 1868, p. 56.

Supervisors' compensation, Stats. 1868, p. 449.

Assessors' compensation, Stats. 1868, p. 449.

Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.

To be in Fifth Judicial District, Stats. 1868, p. 658.

To provide for improvement Stanislaus River, Stats. 1868, p. 684.

Act in relation to herding sheep, Stats. 1870, p. 304.

To protect agriculture and prevent trespass of animals, Stats. 1870, p. 410.

For the relief of T. E. Hughes, Stats. 1870, p. 727.

To locate county seat, Stats. 1870, p. 776.

To authorize F. B. Lewis to institute proceedings to recover real estate, Stats. 1870, p. 881.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Sec. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCXXVIII.

## STATE SPECIAL ACTS.

## SECTION 1646. Reference to Acts.

## 1646.

It is proposed under this title to give references to a number of interesting special Acts, which do not appropriately fall under any other head. Reference to Acts.

Authorizing Governor to procure block of California marble, to be forwarded to Washington Monument Society, Stats. 1852, p. 137.

For the relief of William Waldo (repaying twenty-seven thousand dollars advanced by him to relieve suffering immigrants to California), Stats. 1853, p. 178.

Authorizing raising of company of rangers (to capture the banded bandits, commanded by the five Joaquins), Stats. 1853, p. 194.

Authorizing Governor to appoint Commissioners to World's Industrial Exhibition, at Paris, Stats. 1855, p. 5.

To purchase portraits of Generals Sutter and Wool, Stats. 1855, p. 270.

To pay J. M. Murphy and J. L. Miller for services rendered in the apprehension of Pancho Daniels and Leonardo Lopes, fugitives from justice, Stats. 1855, p. 25.

Allowing claim of E. F. Beale, for expenses incurred in settlement of Indian difficulties in Tulare section, Stats. 1858, p. 326.

To aid in erection of Washington Monument (appropriating one thousand dollars, etc.), Stats. 1859, p. 97.

Allowing claim of C. A. Clark for services rendered in arresting and bringing to justice numerous murderers and outlaws, Stats. 1860, p. 251.

For the relief of J. C. Pennie (who was disabled for life by a wound received in endeavoring to suppress a revolt at the State Prison), Stats. 1861, p. 512.

Resolution pledging a cordial and earnest support "to the Federal Government until this unholy rebellion shall be suppressed, and the Union rescued from the dangers of foes without, or traitors within," Stats. 1862, p. 603.

Resolution authorizing Governor to appoint delegates to the World's Industrial Exhibition, at London, Stats. 1862, p. 605.

Resolution directing the hoisting of the American flag on the Capitol building, Stats. 1862, p. 606.

Resolution of thanks to army and navy of United States for victories won and services and sacrifices in defense of the Union and Constitution, Stats. 1862, p. 613.

For the relief of the family of Colonel Roderick Matheson (who was killed while leading his regiment at the victory of Crampton Gap), Stats. 1863, p. 250.

Reference  
to Acts.

Appropriating money to the Broderick Monument, Stats. 1863, p. 302.

For the relief of M. Winslow (who was disabled for life while in the service of the State, at the State Prison), Stats. 1863, p. 318.

To pay claim of H. C. Stockton for expenses incurred in quelling a riot in Shasta County, Stats. 1863, p. 571.

Resolution to sustain the Administration in its efforts to restore the national authority, and to crush treason and traitors, Stats. 1863, p. 791.

Resolution of favorable reception of the proclamation of freedom by the President of the United States, Stats. 1863, p. 793.

Appropriating money for the relief of General John A. Sutter and his heirs, Stats. 1863-4, p. 532.

Resolution of the uncompromising loyalty of the people of California, indorsement of the measures of the Administration, thanks to the army and navy, etc., Stats. 1863, p. 546.

To provide for purchase of postage stamps, etc., Stats. 1866, p. 2; 1868, p. 1; 1870, p. 4.

To appropriate certain funds, Stats. 1866, p. 28.

To appropriate money for contingent expenses, Stats. 1866, pp. 142, 503; 1870, pp. 2, 6.

To make appropriations for deficiencies in former appropriations, Stats. 1866, p. 197; 1868, p. 117; 1869, pp. 32, 560.

To appropriate money for per diem of legislators, Stats. 1866, p. 363; 1868, p. 214.

To appropriate money for support of civil government for eighteenth and nineteenth fiscal years, Stats. 1866, p. 775; 1868, p. 583; 1870, p. 733.

To appropriate money for stationery, lights, and fuel, Stats. 1868, p. 221.

To appropriate money for claim for translating laws, Stats. 1866, p. 4.

To pay claim of P. McGraw, Stats. 1866, p. 231.

To pay claim of G. J. Overshiner, Stats. 1866, p. 625.

To pay claim of J. D. Crowley, Stats. 1866, p. 781.

To appropriate money in aid of charitable associations, Stats. 1870, p. 778.

To provide for payment of unredeemed indebtedness, Stats. 1868, p. 133.

To make appropriations for payment of rewards, Stats. 1870, p. 5.

To authorize the conversion of legal tender note into gold coin, Stats. 1870, p. 22.

To provide for engraving and printing Controller's warrants, Stats. 1870, p. 28.

Controller to issue duplicate warrants to Bangor Guards, Stats. 1866, p. 382.

Controller to issue duplicate warrants to J. Brooks, Stats. 1868, p. 71.

To provide for care and sale of furniture, Stats. 1866, p. 774.

To provide for sale of certain property, Stats. 1868, p. 125.

To change name of S. Snapper, Stats. 1866, p. 14.

To change names of certain persons, Stats. 1866, p. 23.

To change name of I. J. Spear, Stats. 1866, p. 24.



Reference  
to Acts.

- To change name of G. Heffren, Stats. 1866, p. 54.
- To change name of L. A. Crittenden, Stats. 1866, p. 57.
- To change name of C. Moore, Stats. 1866, p. 86.
- To change name of W. Vaughan, Stats. 1866, p. 92.
- To change name of H. Thompson, Stats. 1866, p. 92.
- To change name of A. Laird, Stats. 1866, p. 93.
- To change name of B. L. Howard, Stats. 1866, p. 119.
- To change name of W. Jones, Stats. 1866, p. 122.
- To change name of H. H. Custer, Stats. 1866, p. 154.
- To change name of L. A. Ladd, Stats. 1866, p. 155.
- To change name of L. Henry, Stats. 1866, p. 174.
- To change name of C. Moon, Stats. 1866, p. 305.
- For the relief of P. M. Whitney, collector of fishing licenses, Stats. 1866, p. 464.
- For the relief of D. P. Baldwin, Stats. 1868, p. 6.
- For the relief of J. S. Downs, Stats. 1868, p. 110.
- For the relief of M. W. Higgins, Stats. 1868, p. 722.
- For the relief of T. M. Brum, Stats. 1866, p. 625.
- For the relief of S. F. Doane, Stats. 1866, p. 626.
- For the relief of Charles Welsh, Stats. 1870, p. 504.
- To legalize the name of Lake Bigler, Stats. 1870, p. 64.
- To expunge from the Journal the judgment against J. H. Hardy, Stats. 1870, p. 77.
- An Act relative to the publication of State reports, Stats. 1870, p. 359.

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## CHAPTER CCXXIX.

### STATE PAPER.

SECTION 1647. Reference to Acts.

1647.

An Act authorizing the publication of certain legal notices in a "State Paper," printed at the seat of government of the State of California, approved March 29th, 1870, p. 510.

Reference  
to Acts.

Act approved April 4th, 1870, p. 724; to take effect immediately.

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## CHAPTER CCXXX.

### STATUTES.

SECTION 1648. Reference to Acts.

1648.

An Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24th, 1850, p. 51.

Reference  
to Acts.

An Act fixing the time when general laws shall take effect, approved February 7th, 1860, p. 16.

Amendment approved March 28th, 1861, p. 77; took effect from passage.

An Act for the authentication of statutes without the approval of the Governor, approved May 1st, 1852, p. 112.

An Act concerning repealed statutes, approved March 14th, 1853, p. 40.

An Act declaratory of the effect of the repeal of criminal laws, approved May 17th, 1853, p. 195.

An Act to ascertain and correct the errors and defects of the statute laws of this State, approved April 19th, 1861, p. 195.

An Act to provide for the compilation and publication of the laws of the State of California and for the payment thereof, approved April 27th, 1853, p. 123. This Act authorized the preparation, publication, and distribution of the volume known as the "Compiled Laws."

An Act to provide for the publication of the general laws of this State, in force at the expiration of the eighth session of the Legislature, approved April 18th, 1857, p. 206. This Act authorized the publication of the volume known as "Wood's Digest."

An Act to provide for the publication and distribution of the laws of 1862, relating to revenue, and to call meetings of the Boards of Supervisors of the several counties, approved April 12th, 1862, p. 208. This Act authorized the publication of the laws referred to in pamphlet form.

A concurrent resolution, adopted April 8th, 1863, p. 796, authorized a compilation of the revenue laws, then in force, by the Controller of State.

See Political Code, Secs. 309 to 330, inclusive, "STATUTES."

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## CHAPTER CCXXXI.

### STEAMBOATS.

SECTION 1649. Reference to Act.

Reference  
to Acts.

1649.

An Act to provide for the inspection of steamboats, passed April 10th, 1850, p. 197, was repealed by Act of March 29th, 1851, p. 424.

An Act to guard against the destruction of property by fire, by means of sparks from the chimneys of steamboats navigating certain waters of this State, approved March 31st, 1857, p. 149.

See Political Code, Secs. 2360 to 2379, inclusive, "NAVIGATION."

## CHAPTER CCXXXII.

### STREET RAILROADS.

SECTION 1650. Reference to Acts.

1650.

An Act concerning street railroads, approved March 29th, 1870, p. 481. Reference to Acts.

See "CORPORATIONS."

## CHAPTER CCXXXIII.

### STORAGE.

SECTION 1651. Reference to Act.

1651.

An Act to authorize the keepers of warehouses to sell goods on storage after a certain period, passed May 1st, 1851, p. 170. Reference to Act.

See Civil Code, Secs. 1851 to 1855, inclusive, "STORAGE."

## CHAPTER CCXXXIV.

### SUNDAY.

SECTION 1652. Reference to Acts.

1652.

An Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March 16th, 1855, p. 50. Reference to Acts.

An Act to provide for the better observance of the Sabbath, approved April 10th, 1858, p. 124.

This Act was declared unconstitutional by the Supreme Court in the case of *Ex Parte Newman*, 9 Cal. 502.

An Act for the observance of the Sabbath, approved May 20th, 1861, p. 655.

#### SAN FRANCISCO SUNDAY LAWS.

An Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, or other market products, in the City and County of San Francisco, on the Sabbath day, approved March 27th, 1862, p. 90.

An Act to prohibit the keeping open of bath houses, barber shops,

Reference  
to Acts.

and hairdressing saloons in the City of San Francisco, during certain hours of the first day of the week, known as the Sabbath day, approved May 2d, 1862, p. 479.

#### MARKLEEVILLE SUNDAY LAW.

An Act to incorporate the Town of Markleeville, approved April 4th, 1864; Stats. 1863-4, p. 441.

This Act contains a proviso that the Board of Trustees shall not levy any license tax for the carrying on of any business, trade, or profession on the Sabbath, or Sunday, nor pass any ordinance requiring any place of business to be closed, or imposing any fine or penalty for keeping any place of business open on said day.

Amendatory and supplementary to an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March 16th, 1855, p. 50, became a law by operation of the Constitution, February 6th, 1870, p. 32.

See Penal Code, Secs. 299 to 302, inclusive, "OF CRIMES AGAINST RELIGION AND CONSCIENCE, ETC."

## CHAPTER CCXXXV.

### SUPERVISORS.

#### SECTION 1653. Reference to Acts.

Reference  
to Acts.

#### 1653.

An Act to create a Board of Supervisors for the County of San Francisco and define their duties, passed April 29th, 1851, p. 322, excepted from the operation of the Act of May 3d, 1852, p. 87; amended May 17th, 1853, p. 198, was repealed by Act of April 19th, 1856, p. 145. The last mentioned Act, known as the "Consolidation Act," with its numerous amendments, are all special in their character.

An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May 3d, 1852, p. 87; altered, changed, amended, or superseded in part by special Acts of May 3d, 1852, p. 228; May 11th, 1853, p. 153; May 17th, 1853, p. 181; May 18th, 1853, p. 227; January 28th, 1854, p. 32; March 10th, 1854, p. 40; March 18th, 1854, p. 44; March 25th, 1854, p. 52; May 13th, 1854, p. 207, and May 15th, 1854, p. 222, was repealed by the following Act of March 20th, 1855, p. 51:

An Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March 20th, 1855, p. 51.

Amendments approved April 23d, 1855, p. 134.

Amendatory Acts, May 18th, 1861, p. 511; April 14th, 1863, p. 308; February 27th, 1863, p. 26; April 29th, 1857, p. 322.

An Act supplemental to the foregoing Act of March 20th, 1855, approved April 28th, 1855, p. 188.

An Act to amend the foregoing Act of March 20th, 1855, and other Acts amendatory thereof, approved February 27th, 1863, p. 26. Reference  
to Acts.

An Act supplemental to the Act of April 13th [April 14th], 1863, approved April 27th, 1863, p. 768.

An Act to legalize and amend the county records in the counties of this State, approved April 15th, 1858, p. 171.

An Act concerning the Board of Supervisors of Placer County, approved February 4th, 1857, p. 11.

An Act supplementary to the foregoing Act of February 4th, 1857, approved March 31st, 1857, p. 153.

Amendment approved April 10th, 1862, p. 166.

An Act supplementary to the foregoing Acts of February 4th, 1857, and March 31st, 1857, and to extend their provisions to other counties herein named, approved April 3d, 1862, p. 102.

An Act to extend the terms of office of the Boards of Supervisors of certain counties of this State, approved April 26th, 1858, p. 337.

An Act entitled an Act to confirm the election and official acts of Boards of Supervisors in the several counties of this State, approved January 30th, 1864; Stats. 1863-4, p. 42.

An Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino, approved April 4th, 1864; Stats. 1863-4, p. 496.

An Act to provide for the election of Supervisors in certain counties in this State, approved April 4th, 1864; Stats. 1863-4, p. 507.

An Act concerning persons under sentence of imprisonment (granting power to Supervisors to put prisoners to work), approved March 31st, 1857, p. 151.

See "CHAIN GANG."

An Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April 2d, 1857, p. 167.

See "COUNTIES."

An Act concerning official bonds of Justices of the Peace and Constables of this State, approved March 29th, 1858, p. 100 (requiring the Boards of Supervisors to fix amount.)

See "BONDS, OFFICIAL."

An Act to authorize the Boards of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April 8th, 1858, p. 120.

See "WHARVES."

An Act to provide for furnishing, in printed form, the poll and tally list papers for election returns, approved April 1st, 1864; Stats. 1863-4, p. 278.

See "ELECTIONS."

An Act supplementary to the Act entitled an Act concerning crimes and punishments (requiring Supervisors to add costs of criminal cases, caused by intoxication, to licenses), approved April 1st, 1864; Stats. 1863-4, p. 298.

See "CRIMES AND PUNISHMENTS."

Amendments to an Act to create a Board of Supervisors in the counties of this State, approved March 20th, 1855, p. 51.

Reference  
to Acts.

Amendment approved March 30th, 1868, p. 541; took effect from passage.

Amendment approved April 2d, 1866, p. 836.

An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties, approved April 4th, 1870, p. 746.

An Act supplemental to the foregoing, approved April 4th, 1870, p. 744.

Under said Act required to report to Surveyor General all school lands within their counties, Stats. 1870, p. 862.

## SPECIAL SUPERVISOR ACTS.

It will have been noticed that by the first section of the Act of March 20th, 1855, p. 51, that Act did not apply to counties that had or might thereafter have Boards of Supervisors provided by special enactment. At that time San Francisco, San Diego, and Alameda Counties had such Boards, but subsequently the special Acts in regard to San Diego and Alameda were repealed, and the Act of March 20th, 1855, extended over those counties.

San Francisco City and County is regulated, so far as the Supervisors are concerned by the Consolidation Act of April 19th, 1856, p. 145, and a great number of subsequent Acts, fully referred to under the head of "San Francisco City and County."

Tuolumne, March 7th, 1859, p. 88.

San Bernardino, April 15th, 1861, p. 173; April 8th, 1862, p. 140; January 30th, 1864, Stats. 1863-4, p. 35; March 18th, 1864, Stats. 1863-4, p. 194.

Tehama, April 29th, 1861, p. 260.

San Mateo, March 5th, 1862, p. 28; April 25th, 1863, p. 577; February 6th, 1864, Stats. 1863-4, p. 48; March 24th, 1864, Stats. 1863-4, p. 242.

Butte, April 10th, 1862, p. 236; May 14th, 1862, p. 537; April 18th, 1863, p. 328; April 4th, 1864, Stats. 1863-4, p. 324.

Alameda, April 6th, 1863, p. 172.

Merced, December 23, 1863; Stats. 1863-4, p. 6.

Santa Clara, January 21st, 1864; Stats. 1863-4, p. 22.

Placer, April 1st, 1864; Stats. 1863-4, p. 291.

In addition to the foregoing references, attention may be drawn to the references under the heads of the counties respectively in which such Acts exist, when the substance of the title of the Acts will be found given.

See Political Code, Secs. 4022 to 4087, inclusive, "THE BOARD OF SUPERVISORS." For numerous other duties imposed upon the Supervisors consult index to Political Code.

## CHAPTER CCXXXVI.

### SURVEYOR GENERAL.

SECTION 1654. Reference to Acts.

#### 1654.

An Act concerning the office of Surveyor General, passed April 17th, 1850, p. 256. Reference to Acts.

Amendment, approved April 6th, 1863, p. 175.

Amendment, approved April 25th, 1857, p. 264.

Amendment, passed May 15th, 1854, p. 215.

Amendment, approved April 6th, 1863, p. 175.

An Act supplemental to the foregoing Act of April 17th, 1850, approved May 14th, 1862, p. 551.

See Political Code, Secs. 483 to 502, inclusive, "SURVEYOR GENERAL."

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## CHAPTER CCXXXVII.

### SURVEYOR OF COUNTY.

SECTION 1655. Reference to Act.

#### 1655.

An Act prescribing the duties and fixing the compensation of County Surveyors, passed April 9th, 1850, p. 170. Reference to Act.

See Political Code, Secs. 4268 to 4275, inclusive, "COUNTY SURVEYOR."

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## CHAPTER CCXXXVIII.

### SUTTER COUNTY.

SECTION 1656. Reference to special and local Acts.

#### 1656.

Boundaries, Stats. 1850, p. 62; 1851, p. 176; 1852, p. 237; 1854, p. 19; 1856, p. 231; 1863-4, p. 301. Reference to special and local Acts.

Seat of justice, Stats. 1850, p. 62; 1851, p. 176; 1852, p. 237; 1856, p. 142.

To appoint commissioners to determine amount of indebtedness of Sutter County chargeable to Placer County, etc., Stats. 1852, p. 242.

To fund debt and provide for payment, Stats. 1853, p. 189; 1857, p. 67; 1858, p. 292.

Reference  
to special  
and local  
Acts.

Authorizing Board of Supervisors to levy special tax for erection of public buildings, Stats. 1855, p. 78.

Concerning County Judge, Stats. 1855, p. 288.

Altering and defining boundary lines of Colusa County, Stats. 1856, p. 124.

Submitting question of location of county seat to vote of people, Stats. 1856, p. 142.

Changing and fixing time of holding Court of Sessions, Stats. 1857, p. 250.

Concerning county records, Stats. 1858, p. 205.

Legalizing and confirming general and supplemental assessment rolls, etc., and extending time for collection of revenue, Stats. 1859, p. 6.

Fixing time for commencement of terms of County Court and Court of Sessions, Stats. 1859, p. 97.

Authorizing Board of Supervisors to construct bridge across Feather River, Stats. 1859, p. 201; 1860, p. 21; 1861, p. 311; 1862, p. 15.

Authorizing Board of Supervisors to take and subscribe fifty thousand dollars to stock of San Francisco and Marysville Railroad Company, etc., Stats. 1859, p. 247.

Extending time for Tax Collector to collect taxes and make final settlement with Auditor, Stats. 1860, p. 14.

For opening and repairing roads, Stats. 1860, p. 150; 1861, p. 314.

Extending time for collection of taxes, Stats. 1861, p. 1.

Authorizing administrator of R. B. Sherrard, deceased, to sell real property, etc., Stats. 1861, p. 71.

Authorizing District Attorney to appoint deputies, Stats. 1862, p. 5; 1863, p. 95.

Authorizing Board of Supervisors to levy special tax for repair of Court House, Stats. 1862, p. 26.

Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.

Requiring County Judge to reside at county seat, Stats. 1863, p. 101.

Extending to Sutter County Act to organize townships, etc., Stats. 1863, p. 242.

Exempting county from Act concerning estrays, Stats. 1863-4, p. 29, (referring to Stats. 1863, p. 697.)

Providing for time of holding County Court and Probate Court, Stats. 1863-4, p. 41.

Authorizing Board of Supervisors to construct bridge and build road across Butte Creek Slough, Stats. 1863-4, p. 146.

Fixing salary of Superintendent of Public Schools, Stats. 1863-4, p. 215.

Defining boundary line of county, Stats. 1863-4, p. 301.

Additional tax for county purposes, Stats. 1866, p. 434.

Terms of District Court, Stats. 1866, p. 79; repealed, Stats. 1868, p. 95.

Supervisors to construct bridge across Feather River, Stats. 1866, p. 110.

Boundaries defined, Stats. 1866, p. 223; 1870, p. 294.

Act concerning estrays, Stats. 1866, p. 279.



- Compensation of Supervisors, Stats. 1866, p. 286.
- To prevent stallions from running at large, Stats. 1866, p. 327; 1868, p. 70; 1870, p. 68.
- County Assessor, office abolished, Stats. 1868, p. 588.
- Division into assessment districts, Stats. 1866, p. 586.
- Levy of tax for swamp land-district, Stats. 1866, p. 832.
- To give bonds to California Railroad Company, Stats. 1868, p. 155.
- Exempt from provisions of Act of 1866, relating to public and private roads, Stats. 1868, p. 158.
- Bonds issued to C. P. R. R., Stats. 1868, p. 155.
- To enter and condemn land for graveyard, Stats. 1868, p. 236; see Stats. 1870, p. 472.
- To protect lands from overflow, Stats. 1868, p. 316; similar Act, Stats. 1870, p. 757; not to conflict with the provisions of the first Act.
- For payment of State's portion salary of Auditor, Stats. 1868, p. 370.
- Supervisors' compensation, Stats. 1868, p. 449.
- Assessors' compensation, Stats. 1868, p. 449.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Act concerning jurors, Stats. 1868, p. 39.
- Terms for District Court, Stats. 1868, p. 96.
- Protection of public and private roads, Stats. 1868, p. 158.
- To open and repair roads, Stats. 1868, p. 504; repealed, Stats. 1870, p. 469.
- To issue bonds for road purposes, Stats. 1870, p. 62.
- Act in relation to herding sheep, Stats. 1870, p. 304.
- Excepted from provisions of road law, Stats. 1866, p. 381.
- Roads and highways, Stats. 1870, p. 463.
- Road tax to be levied, Stats. 1868, p. 504.
- To construct bridge across tule, Stats. 1870, p. 469.
- Treasurer to transfer money to Hospital Fund, Stats. 1870, p. 568.
- To fund indebtedness of Levee District No. 1, Stats. 1870, p. 657.
- To provide for the protection of lands, Stats. 1870, p. 757.

Reference  
to special  
and local  
Acts.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital

may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CCXXXIX.

### TEHAMA COUNTY.

SECTION 1657. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

#### 1657.

Boundaries, Stats. 1856, pp. 118, 222; 1857, pp. 25, 109; 1859, p. 359.  
Seat of justice, Stats. 1856, p. 119; 1857, pp. 23, 144.

Creating Tehama County, defining boundaries, and providing for organization, Stats. 1856, pp. 118, 96; 1857, p. 144.

To alter and define boundary lines, Stats. 1857, pp. 25, 109; 1859, p. 359; 1863, p. 492.

Fixing time for holding Court of Sessions, County Court, and Probate Court, Stats. 1857, p. 7.

Providing for taking sense of people upon question of removal of county seat from Tehama to Red Bluff, Stats. 1857, p. 23.

Concerning County Judge (residence), Stats. 1857, p. 202; 1863, p. 101.

Legalizing assessment roll for 1857, and extending time for collecting revenue, Stats. 1858, p. 66.

Authorizing Board of Supervisors to levy special tax for building purposes, and to provide for payment of indebtedness, etc., Stats. 1858, p. 93.

Fixing salary of District Attorney, Stats. 1858, p. 211.

Concerning office of Public Administrator, Stats. 1858, p. 297 (refers to Stats. 1856, p. 80).

Fixing time of holding Court of Sessions and County Court, Stats. 1859, p. 128.

Granting right to construct bridge across Sacramento River, at Red Bluff, to J. Combs and associates, Stats. 1859, p. 133.

Authorizing Recorder to transcribe certain records in Colusa, Shasta, and Butte Counties, Stats. 1859, p. 151.

Regulating fees in office, Stats. 1859, p. 179 (refers to Stats. 1855, p. 81); 1863, p. 700.

Granting right to convey water in pipes to supply inhabitants of Red Bluff, to J. Smart, Stats. 1860, p. 37.

Authorizing Board of Supervisors to levy certain taxes and create Contingent Fund, Stats. 1860, p. 100; 1861, p. 122.

Providing for compensation of Keepers of County Jail, etc., Stats. 1860, p. 219.

- Declaring streets and alleys in Red Bluff public highways, Stats. 1860, p. 343.
- Legalizing survey of Town of Red Bluff, Stats. 1861, p. 72.
- Granting to J. C. Tiner and others the right to supply people of Red Bluff with gas, Stats. 1861, p. 83.
- Authorizing Board of Supervisors to remove remains from old graveyard in Red Bluff to new cemetery, and to levy tax to pay cost, Stats. 1861, p. 123; 1862, p. 33.
- Authorizing Board of Supervisors to levy, assess, and collect certain taxes (for Building Fund), Stats. 1861, p. 176.
- Organizing Board of Supervisors and districting the county, Stats. 1861, p. 260.
- Legalizing levy of certain taxes for 1861, Stats. 1861, p. 353.
- Authorizing Board of Supervisors to levy special tax and create Redemption Fund for payment of county indebtedness, Stats. 1861, p. 657; 1863, p. 700; 1863-4, p. 423.
- Providing for Public Administrator, Stats. 1862, p. 43; 1863, p. 23.
- Providing for construction of wagon road from Sacramento River, opposite Red Bluff, to eastern boundary of State, near Honey Lake, Stats. 1862, p. 220; 1863, pp. 1, 177, 250.
- Providing for care of indigent sick and levying tax therefor, Stats. 1862, p. 233; 1863, p. 482.
- Requiring County Judge to reside at county seat, Stats. 1863, p. 101.
- Providing for pauper sick, Stats. 1863, p. 481.
- Concerning official fees (salaries), Stats. 1863, p. 699; 1863-4, p. 347.
- In relation to wagon road of J. Bidwell and others from Chico to Honey Lake Valley, Stats. 1863-4, p. 185 (refers to Stats. 1863, p. 291).
- To transfer certain moneys from General Fund to Tehama County Wagon Road Interest and Redemption Fund, Stats. 1863-4, p. 188.
- To provide for funding indebtedness, Stats. 1863-4, p. 283.
- Authorizing formation of "Tehama County Stock Breeders' Association," for improvement of horses and neat cattle, Stats. 1863-4, p. 289.
- Resolution in regard to Nome Lackee Indian Reservation, Stats. 1863-4, p. 549.
- Salary of County Judge, Stats. 1866, p. 98.
- To levy taxes for county purposes, Stats. 1866, p. 115.
- To prevent stallions from running at large, Stats. 1868, p. 70.
- To abolish office of Tax Collector, Stats. 1866, p. 443.
- Salaries and compensation of officers, Stats. 1866, p. 619; 1868, p. 780.
- Assessors to perform duties as tax collector, Stats. 1868, p. 426.
- Supervisors to levy tax for county purposes, Stats. 1868, p. 2.
- Act concerning jurors, Stats. 1868, p. 39.
- To reorganize Board of Supervisors, Stats. 1868, p. 78.
- County Judge to distribute town lots at Red Bluff, Stats. 1868, p. 107.
- Special tax for construction of bridges, Stats. 1868, p. 130.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Tax in Red Bluff School District, Stats. 1870, p. 379.
- Terms of District Court, Stats. 1870, p. 576.

Reference  
to special  
and local  
Acts.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part I, and, to a certain extent, as therein provided, supersede all prior enactments.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106 and 225 to 230; and for Congressional Districts, Sec. 117.]

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## CHAPTER CCXL.

### TELEGRAPH LINES.

#### SECTION 1658. Reference to Acts.

Reference  
to Acts.

#### 1658.

An Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific, approved February 20th, 1866, p. 102.

Franchise for line from San José to San Bernardino, Stats. 1866, p. 806; 1868, p. 530.

Money for expense of fire alarm telegraph at San Francisco, Stats. 1866, p. 82.

To liquidate certain liabilities of the California State Telegraph Company, Stats. 1866, p. 650.

Act to encourage telegraph to Nevada Territory, repealed 1868, p. 507.

See "RAILROADS AND CORPORATIONS;" "TELEGRAPH MESSAGES."

## CHAPTER CCXLI.

## TELEGRAPHIC MESSAGES.

SECTION 1659. Reference to Acts.

1659.

An Act concerning telegraphic messages, and to secure secrecy and fidelity in the transmission thereof, approved May 14th, 1861, p. 380, was repealed by the following Act: Reference to Acts.

An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, approved April 18th, 1862, p. 288.

See Penal Code, Secs. 391, 474, 591, 619, 620, 621, 638, 639, 640, 641, 850, 851.

## CHAPTER CCXLII.

## TERRITORY OF COLORADO.

SECTION 1660. Reference to Act.

1660.

An Act granting the consent of the Legislature to the formation of a different government for the southern counties of this State, approved April 18th, 1859, p. 310. Reference to Act.

## CHAPTER CCXLIII.

## TOWNS.

SECTION 1661. Reference to Acts.

1661.

An Act to provide for the incorporation of towns, passed March 27th, 1850, p. 128, amended March 27th, 1855, p. 57, was repealed, with the amendatory Act, by the following Act: Reference to Acts.

An Act to provide for the incorporation of towns, approved April 19th, 1856, p. 198.

See Political Code, Secs. 4354 to 4442, inclusive, "OF THE GOVERNMENT OF CITIES AND TOWNS." Sec. 4442 of the Political Code continues in force certain statutes; the section reads as follows:

"4442. Nothing in this Code affects any of the provisions of 'An Act to authorize and direct the municipal authorities of the several cities

Reference  
to Acts.

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and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven; approved March twenty-four, eighteen hundred and sixty-eight; or of 'An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven; approved March thirtieth, eighteen hundred and sixty-eight;' but such Acts are continued in force."

The Political Code, Sec. 19, continues in force "all Acts incorporating or chartering municipal corporations and Acts amendatory thereof and supplemental thereto."

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## CHAPTER CCXLIV.

### TOWN LANDS.

#### SECTION 1662. Reference to Acts.

Reference  
to Acts.

#### 1662.

An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts, in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2d, 1867, approved March 30th, 1868, p. 692.

An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2d, 1867, approved March 24th, 1868, p. 487.

See Political Code, Sec. 4442, cited in note to "TOWNS."

## CHAPTER CCXLV.

### TOWNSHIPS.

SECTION 1663. Reference to Acts.

#### 1663.

An Act to organize townships, and regulate their powers and duties, and submit the same to vote of the people, approved May 15th, 1862, p. 574. Reference to Acts.

Amendment approved March 25th, 1863, p. 479.

An Act amendatory of and supplemental to the foregoing Act of May 15th, 1862, approved April 27th, 1863, p. 733.

An Act to extend to the Counties of Sutter and Sonoma the provisions of the foregoing Act of May 15th, 1862, approved April 8th, 1863, p. 242.

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## CHAPTER CCXLVI.

### TRADE MARKS.

SECTION 1664. Reference to Acts.

#### 1664.

An Act concerning trade marks, approved May 18th, 1861, p. 528, was repealed by the following Act: Reference to Acts.

An Act concerning trade marks and names, approved April 3d, 1863, p. 155.

Amendment to Act concerning trade marks and names, approved April 3d, 1863, p. 155, approved March 28th, 1868, p. 423.

See Political Code, Secs. 3196 to 3199, inclusive, "TRADE MARKS."

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## CHAPTER CCXLVII.

### TRAITORS AND TREASONABLE CONDUCT.

SECTION 1665. Reference to Acts.

#### 1665.

An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850 (prohibiting the exhibition of rebel flags), approved April 20th, 1863, p. 350. Reference to Acts.

See "CRIMES AND PUNISHMENTS."

An Act to prevent the arming and equipping, within the jurisdiction

Reference  
to Acts.

of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April 25th, 1863, p. 490.

An Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April 25th, 1863, p. 566.

See "PRACTICE ACT."

An Act concerning teachers of common schools in this State (requiring them to take the oath), approved April 27th, 1863, p. 727.

See "SCHOOLS."

An Act to punish offenses against the peace of the State, approved April 27th, 1863, p. 755.

Repeal of Act to prevent the arming and equipping of vessels for piratical or privateering purposes, approved April 25th, 1863, p. 490, approved April 2d, 1866, p. 663.

An Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April 25th, 1863, p. 566; and the supplementary and amendatory Act approved April 2d, 1866, p. 853, were repealed by Act approved January 17th, 1868, p. 8.

See "PRACTICE ACT."

## CHAPTER CCXLVIII.

### TREASURER OF STATE.

#### SECTION 1666. Reference to Acts.

Reference  
to Acts.

#### 1666.

An Act concerning the office of State Treasurer, passed January 24th, 1850, p. 48.

Amendment approved April 27th, 1863, p. 752.

Amendment approved February 28th, 1852, p. 58.

Amendment approved March 16th, 1863, p. 57.

An Act concerning the offices of Controller and Treasurer of State, approved May 3d, 1852, p. 56.

An Act requiring the Treasurer to retain certain moneys (until appropriations should be prescribed by law), approved January 27th, 1852, p. 62, amended March 3d, 1852, p. 56, was repealed by Act of May 4th, 1852, p. 63.

An Act to authorize the Treasurer of State to make special deposits, approved May 4th, 1852, p. 62, was repealed by Act of April 19th, 1854, p. 26.

An Act to authorize the appointment of bookkeeper to the Controller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, approved March 15th, 1853, p. 43.

See "CONTROLLER OF STATE."

An Act concerning the office of Treasurer of State, approved March 16th, 1855, p. 45.



Amendment, approved April 21st, 1856, p. 230.

Reference  
to Acts.

An Act to amend the foregoing Act of March 16th, 1855, approved April 21st, 1856, p. 230.

An Act concerning the offices of Controller and Treasurer of State, approved March 27th, 1855, p. 59.

An Act relative to the safe keeping of the public moneys, approved April 23d, 1855, p. 135.

An Act concerning the State and County Treasurers, approved May 7th, 1855, p. 297.

An Act for the better protection of the State Treasury, approved April 16th, 1856, p. 100, amended April 27th, 1857, p. 268, was repealed by an Act to create a Board of Examiners, etc., approved April 21st, 1858, p. 212.

See "EXAMINERS."

An Act authorizing the State Treasurer to indorse certain warrants, approved March 3d, 1858, p. 38.

An Act concerning County Treasurers (requiring the State Treasurer to receive from them all indebtedness of the State, received by them prior to March 15th, 1857, etc.), approved April 24th, 1858, p. 262.

See "TREASURER OF COUNTY."

An Act to provide for the proper registration and canceling of the evidences of indebtedness, paid prior to the term of the present State Treasurer, approved April 10th, 1860, p. 159.

An Act to direct the Controller of State in drawing his warrants upon the State Treasurer, approved April 20th, 1863, p. 362.

See "CONTROLLER OF STATE."

An Act authorizing the State Treasurer to settle with Joseph S. Paxton, Treasurer of the City and County of San Francisco, approved April 4th, 1864; Stats. 1863-4, p. 522.

An Act to authorize the State Treasurer to surrender certain bonds, approved March 26th, 1870, p. 399.

To settle with Treasurer of Klamath County for certain foreign miners' license moneys dedicated to improvement of roads, Stats. 1866, p. 375.

To transfer moneys from General to Soldiers' Relief Fund, Stats. 1866, p. 640.

To transfer moneys from Swamp Land Fund, Stats. 1866, p. 640.

To act as member of Board of Examiners in certain cases, Stats. 1868, p. 691.

As to duties with regard to State lands, Stats. 1868, p. 523.

To appoint additional Watchmen for office, Stats. 1868, p. 554.

Relative to converting legal tenders into coin, Stats. 1870, p. 22.

To make report to Governor, Stats. 1870, p. 333.

To be member of Board of Loan Commissioners, Stats. 1870, p. 646.

Duties of, relative to payment of funded indebtedness, Stats. 1870, p. 647.

Duties, relative to endowment of University, Stats. 1870, p. 668.

Duties of, relative to State Capitol Bonds, Stats. 1870, p. 724.

Duties, relative to school funds, Stats. 1870, p. 827.

See Political Code, Secs. 452 to 459, inclusive, "TREASURER OF STATE."

## CHAPTER CCXLIX.

### TREASURER OF COUNTY.

SECTION 1667. Reference to Acts.

Reference  
to Acts.

#### 1667.

The Revenue Act of May 17th, 1861, p. 419, particularly from Sec. 101 to Sec. 111, inclusive, contained various provisions relating to County Treasurers, which must be examined in connection with the following Acts:

An Act concerning the office of County Treasurer, passed March 27th, 1850, p. 115.

Amendment approved April 27th, 1863, p. 759.

Amendment approved March 31st, 1857, p. 154.

• Amendment approved May 17th, 1853, p. 202; took effect from June 1st, 1853.

An Act supplemental to the foregoing Act of March 27th, 1850, passed April 11th, 1851, p. 405.

An Act to extend the time for County Treasurers to make their returns, passed March 28th, 1851, p. 189.

An Act authorizing the Controller of State to sue and prosecute County Treasurers and other officers charged with the collection of State revenue, who have failed or refused to discharge their duties, approved March 3d, 1852, p. 57.

See "REVENUE."

An Act requiring County Treasurers and Public Administrators to settle their accounts., approved May 18th, 1853, p. 210.

An Act to provide for the appointment of Deputy County Treasurers, passed May 15th, 1854, p. 226.

An Act concerning the duties of County Treasurer, approved April 6th, 1855, p. 79.

An Act concerning the State and County Treasurers, approved May 7th, 1855, p. 297.

See "TREASURER OF STATE."

An Act concerning County Treasurers, approved April 3d, 1857, p. 174.

An Act concerning County Treasurers, approved April 24th, 1858, p. 262.

An Act concerning the duties of County Treasurers, approved April 29th, 1862, p. 468.

An Act fixing the mileage of the several County Treasurers of this State, approved April 27th, 1863, p. 741. Reference to Acts.

An Act concerning moneys deposited in Courts of record in this State (prescribing duties to County Treasurers), approved April 4th, 1864; Stats. 1863-4, p. 468.

See "PRACTICE ACT."

The special Acts respecting County Treasurers will be found referred to under the heads of the counties to which they apply. It may here be noted that in the Counties of

San Francisco there are several special Acts commencing with the Consolidation Act of April 19th, 1856, p. 145.

Trinity—An Act making the office of County Treasurer of this county a salaried office, was approved March 21st, 1862, p. 67.

Alameda—An Act authorizing the Treasurer to collect the taxes in this county, was approved April 20th, 1863, p. 352; amended February 6th, 1864; Stats. 1863-4, p. 44.

Shasta—An Act making the office of County Treasurer a salaried office, was approved April 22d, 1863, p. 397.

Napa, Lake, and Mendocino—An Act to authorize the County Treasurers of those counties to collect and receive certain public moneys as revenue, was approved February 29th, 1864; Stats. 1863-4, p. 110.

Amendment to section ten of an Act concerning the office of County Treasurer, passed March 27th, 1850, p. 115, approved February 13th, 1868, p. 56.

See Political Code, Secs. 4144 to 4165, inclusive, "COUNTY TREASURER."

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## CHAPTER CCL.

### TREES AND TIMBER.

SECTION 1668. Reference to Acts.

#### 1668.

An Act for the protection of growing timber on all possessory claims, and all other private property, in certain counties in this State, and on or along public streets or highways, and on public grounds, approved April 19th, 1862, p. 307. Reference to Acts.

An Act to provide for the punishment of persons cutting timber upon or carrying the same, when cut down, from any of the swamp and overflowed, tide, or marsh, or school lands, belonging to this State, approved April 27th, 1863, p. 739.

An Act to prevent the destruction of timber on the public lands of this State, approved March 2d, 1864; Stats. 1863-4, p. 136.

See Penal Code, Secs. 384, 602, 603, 604, 605, 607, 608, 615, and 622, "MALICIOUS MISCHIEF."

See Political Code, Secs. 2350, 2631, 2633, 2752, 2753, 2755, and 4080.

## CHAPTER CCLI.

## TRESPASSERS WITH FIRE.

SECTION 1669. Reference to Acts.

Reference  
to Acts.

## 1669.

An Act for the better protection of private property in certain counties in this State, approved April 27th, 1863, p. 758.

An Act supplemental to the above Act, approved April 4th, 1864; Stats. 1863-4, p. 361.

See Penal Code, Sec. 384, "SETTING WOODS ON FIRE;" also, Secs. 594 to 627, inclusive, "MALICIOUS MISCHIEF."

## CHAPTER CCLII.

## TRESPASSING ANIMALS.

SECTION 1670. Damages for trespasses by animals.

1671. Killing or injuring trespassing animals.

1672. Lands cultivated in common.

1673. After notice to the owner, animal must be removed; penalty for neglect.

1674. Section two not to apply in certain cases.

1675. Where not applicable.

1676. Animals trespassing; damages.

1677. Trespassing defined; penalty.

1678. Drovers exempt.

1679. Applied only to certain counties.

1680. Owner of land may take up any animal.

1681. Damages to be sued for.

1682. Suits for damages before Justice; summons shall issue; bill of sale.

1683. Fees of Constable.

1684. When notice shall be advertised.

1685. Owners may redeem animals sold.

1686. Justice shall keep a record book.

1687. Act applicable to what counties.

1688. Act made applicable to other counties.

1689. Taking up animals and pay for keeping.

1690. Notice to owners.

1691. Damages.

1692. Action; judgment and sale.

1693. How owner may regain animals.

1694. Justices' sales book.

1695. Fees.

SECTION 1696. Exception.

1697. Driving stock.

1698. Repeal of prior Act.

1699. Applicable to certain counties.

An Act concerning lawful fences, and animals trespassing on premises lawfully inclosed, passed March 30th, 1850, p. 131.

See "FENCES."

*An Act to prevent the trespassing of animals upon private property.*

[Approved March 31, 1855, p. 70.]

[Enacting clause.]

1670. SECTION 1. If any horse, mule, jack, jenny, hog, sheep, goat, or any head of neat cattle, should break into any ground inclosed by a lawful fence, the owner or manager of such animal shall be liable to the owner of such inclosed premises for all damages sustained by such trespass; and if the trespass be repeated, by neglect of the owner or manager of such animals, he shall, for the second and every subsequent offense or trespass, be subject to double the damages of such trespass, to the owner of said premises.

Damages  
for  
trespasses  
by animals

1671. SEC. 2. If any owner or occupier of any grounds or crops trespassed upon by animal or animals entering upon or breaking into his or their grounds, whether inclosed by a lawful fence or not, shall kill, maim, or materially injure the animal or animals so trespassing, he, she, or they shall be liable to the owner of such stock for all damages, and for the cost accruing from a suit for such damages, when necessarily resorted to for their recovery; *provided*, the owner or occupier of such grounds and crops so damaged and trespassed upon, may take up and safely keep, at the expense of the owner or owners thereof, such animals, for ten days, and if not applied for by the proper owner or owners before the expiration of ten days, the same may be posted under the "estray laws"

Killing or  
injuring  
trespassing  
animals.

of the State, and before restitution shall be had by the owner or owners of such animals, all damages done by them, as well also as the expense of posting and keeping them, shall be paid. Any Justice of the Peace in the township shall have jurisdiction of all such reclamation of animals, together with the damages, expense of keeping, and posting the same, when the amount claimed does not exceed five hundred dollars.

Lands  
cultivated  
in common

1672. SEC. 3. When two or more persons shall agree to cultivate lands under one inclosure, neither of them shall place, or cause to be placed, any animal on his, her, or their ground, to the injury or damage of the other or others, but shall be liable for all damages thus sustained by the other or others; and if repeated after due notice is given, and for every such subsequent repetition, double damages. It shall not be necessary to prove any express agreement to cultivate under one inclosure, but the fact of such cultivation shall be deemed sufficient evidence of such agreement.

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*An Act supplementary to the foregoing Act.*

[Approved May 17, 1861, p. 474.]

[Enacting clause.]

After  
notice to  
the owner,  
animal  
must be  
removed.

1673. SECTION 1. It shall not be lawful for any person or persons who are the owner, or owners, or managers of any horses, mares, mules, jacks, jennets, horned cattle, or sheep, to turn loose, or drive, or let run, or graze upon the land of any owner or legal occupant, without the consent of said owner or legal occupant, to pasture and maintain the same; and the owner, or owners, or managers of such animals shall, upon written notice being given by the owner or occupants of the lands so trespassed upon, remove

such animals within five days after such notice, and if not so removed, then the owners or occupants of the land so trespassed upon may make complaint before any Justice of the Peace of the county, who shall, upon proof being given, order such animals to be removed forthwith, and if not so removed, then such owner, or owners, or managers of such animals shall, in the discretion of the Justice, be fined in a sum not less than ten nor more than one hundred dollars, and all costs; and if the trespass be repeated by the neglect of the owners or managers of such animals, he or they shall, for the second and every subsequent offense or trespass, be subject to double such fine, all of which fines to be paid to the County Treasurer, one half of which to be applied to the Common School Fund of the county. (Amendment approved April 4th, 1864; Stats. 1863-4, p. 459.)

Penalty for neglect.

1674. SEC. 2. This Act shall not apply to persons traveling with, or driving, animals, as provided in this Act, to market, except when such owners or managers stop more than two days on the lands owned or occupied as herein mentioned, without the permission of such owner or occupant; nor shall it apply to the owners or legal occupants of grazing farms, whose lands are proportionate to the number of their cattle and horses. The maximum number of large cattle and horses shall be twelve hundred head to the square league of land of such owner or legal occupant, or in that proportion for a greater or less quantity of land. (Amendment approved May 2d, 1862, p. 480.)

Section two not to apply in certain cases.

1675. SEC. 3. This Act shall apply only to the County of Los Angeles, and Chino Township, in the County of San Bernardino. (Amendment approved April 4th, 1864; Stats. 1863-4, p. 459.)

Where not applicable.

SEC. 4. This Act shall take effect from and after its passage.

*An Act for the better protection of farmers in certain portions of Sacramento County.*

[Approved April 25, 1862, p. 425.]

[Enacting clause.]

Animals  
trespassing

Damages.

1676. SECTION 1. If any horse, mule, jack, jennet, hog, sheep, goat, or any head of neat cattle, shall trespass upon any cultivated field during the sowing, planting, growing, or harvesting season, and until the crop or crops are removed, or shall trespass upon any garden, or orchard, whether such cultivated field, orchard, or garden is or is not inclosed by a lawful fence, the owner or owners of any such horse, mule, jack, jennet, sheep, hog, goat, or head of neat cattle, shall be liable for all damages sustained by reason of such trespass, the same as if such cultivated field, garden, or orchard were inclosed by a lawful fence; *provided*, that this Act shall only apply to that portion of Sacramento County lying south of the American River, on the east bank of the Sacramento River, and extending from the Sacramento River to the lower Stockton road; and, *provided further*, that this Act shall not apply to that portion of Sacramento County lying south of the Cosumnes River. (Amendment approved April 27th, 1863, p. 772; took effect from passage.)

SEC. 2. So much of any Acts or parts of any Acts as conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.



*An Act to prevent the trespassing of animals upon private property in the Counties of Santa Barbara, San Luis Obispo, and Monterey.*

[Approved February 6, 1864; Stats. 1863-4, p. 47.]

[Enacting clause.]

1677. SECTION 1. It shall not be lawful for any person or persons who are the owner or owners, or managers of any horses, mules, jacks, jennies, or cattle, and who are not the owners or legal occupants of sufficient grazing land to pasture and maintain the same, to turn loose or drive such animals upon the land of any owner or legal occupant without consent, to pasture and maintain the same, and the owner, owners, or managers of such animals shall, upon due written notice being given by the owner or occupants of the lands so trespassed upon, remove such animals within five days after such notice, and if not so removed, then the owners or occupants of lands so trespassed upon may make complaint before any Justice of the Peace of the county, who shall, upon proof being given, order such animals to be removed forthwith, and if not so removed, then such owner, owners, or managers shall, in the discretion of the Justice, be fined in a sum not less than ten nor more than one hundred dollars, and all costs; and if the trespass be repeated by the neglect of the owners or managers of such animals, he or they shall, for the second and every subsequent offense or trespass, be subject to double such fines, all of which fines to be paid to the County Treasurer, one half of which to be applied to the Common School Fund of the county.

Trespassing defined.

Penalty.

1678. SEC. 2. This Act shall not apply to persons traveling with or driving animals, as provided in this Act, to market, except when such owners or managers

Drovers exempt.

Same.

stop more than two days on the lands owned or occupied as herein mentioned, without the permission of such owner or occupant; nor shall it apply to the owners or legal occupants of grazing farms whose lands are proportionate to the number of their cattle and horses. The maximum number of large cattle and horses shall be twelve hundred head to the square league of land of such owner or legal occupant, or in that proportion for a greater or less quantity of land.

Applied  
only to  
certain  
counties.

1679. SEC. 3. 'This Act shall only apply to the Counties of Santa Barbara, San Luis Obispo, and Monterey; and all Acts and parts of Act in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

*An Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property.*

[Approved March 15, 1864; Stats. 1863-4, p. 170.]

[Enacting clause.]

Owner of  
land may  
take up  
any animal

1680. SECTION 1. Any owner or occupant of any land or possessory claim finding any horse, mare, mule, jack, jenny, or horned cattle, or any number of such animals, upon such land or possessory claim, doing damage, whether the same be inclosed by a lawful fence or not, may take up and safely keep such animals at the expense of the owner for ten days.

Damages to  
be sued for.

1681. SEC. 2. When the owner or owners of such above described animals are known, they shall be forthwith notified, if residing in or near the township, of the detention, and the reason thereof; otherwise, written notices containing a description of the animals, including their marks and brands, and stating the cause of

detention, shall immediately be posted conspicuously in Same. at least two of the most public places in the township. At the expiration of ten days, if the animals have not been applied for, or sooner if they have been applied for, and the parties cannot agree upon the amount of damages and compensation, the taker-up, when the damages and compensation claimed shall be less than three hundred dollars, shall make complaint to a Justice of the Peace of the township, setting forth the facts, and stating the amount he claims against said animals.

1682. SEC. 3. When the owner is known, and is within the jurisdiction of the Court, the suit shall be against the owner; in all other cases, the suit shall be against the property *in rem*. When against the owner, the summons shall be served and returned as in other actions; when against the property, it shall be returnable not less than ten days after the posting, as hereinafter provided. The service of the summons shall be made by the officer by posting a copy of the summons conspicuously on the outside of the outer door of the Court-room of the Justice issuing the same, not less than ten days before the return day thereof; and the return of the officer certifying such posting shall be evidence of a sufficient service thereof. If judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution, the Constable giving a bill of sale to the purchasers, describing the animal or animals sold, the price paid therefor, and stating that it or they were seized and sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment, costs, and accruing costs, shall be paid by the Justice to the owner of the property, if demanded within three months from the date of sale; if not demanded within that time, it shall be paid into the treasury of the county for school purposes.

Suits for  
damages  
before  
Justice.

Summons  
shall issue.

Bill of sale.

Fees of  
Constable.

1683. SEC. 4. It shall be the duty of any Constable, except City Constables, at the request of the person or persons damaged, to seize and take possession of any animal named in the first section of this Act, and for all services performed in taking possession of and keeping such animal or animals, he shall be entitled to the same fees and charges as are allowed therefor by this Act. When any animal, seized under this Act, shall be brought to or placed in the custody of the Constable for the township wherein the seizure was made, it shall be his duty to receive and keep it until disposed of as herein provided; and in such case he shall be entitled to the fees for seizing, and also to the compensation for taking care of and keeping said animal that the person damaged would be entitled to. The provisions of section four of this Act shall not apply to Solano County.

When  
notice  
shall be  
advertised.

1684. SEC. 5. When any animal, seized under this Act, is believed to be worth forty dollars or more, the Justice shall, in addition to the notice of sale hereinbefore provided for, publish, at least ten days before the sale, in a newspaper of the county, if one is published therein, a notice of the proposed sale, with a description of the animal, the cost of which shall be allowed in addition to the fees and charges hereinbefore allowed, and if the notice be so made this sum shall be paid whether the animal be redeemed or sold.

Owners  
may  
redeem  
animals  
sold.

1685. SEC. 6. Any owner of any animal which shall have been seized under the provisions of this Act, may, at any time previous to the sale, demand, and shall be entitled to the possession of such animal, upon making satisfactory proof of ownership, and paying the fees, charges, and damages; and after the sale, if the animal be considered of a value equal to forty dollars or more, may, at any time within three months,

redeem said animal, by producing satisfactory proof of his right thereto, and paying the purchaser the amount of purchase money, together with the necessary expenses incurred by said purchaser in keeping said animals.

1686. SEC. 7. The Justice shall keep a book, which shall be open to public inspection, and make a record therein of all sales made by his order under this Act, a description of the animals sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of the surplus money, if any, arising from each sale; and if such surplus money shall be received by any owner of any animal, he shall receipt for it upon the margin opposite such record. The Justice shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums so paid.

Justice shall keep a record book.

1687. SEC. 8. This Act shall apply only to the Counties of Sacramento, Solano, Marin, Butte, Yolo; *and, further provided*, that the portion of Sacramento County lying south of the Cosumnes River shall be excepted from the provisions of this Act; *provided*, this Act shall not apply to that portion of Sacramento County lying north of the American River and east of the Marysville road.

Act applicable to what counties.

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*An Act supplementary to the foregoing Act.*

[Approved April 4, 1864; Stats. 1863-4, p. 532.]

[Enacting clause.]

1688. SECTION 1. All the provisions of an Act entitled an Act for the better protection of the agri-

Act made  
applicable  
to what  
counties.

cultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, shall be extended to and made applicable to all that portion of the County of Sacramento lying north of the American River and east of the Marysville and Sacramento road.

SEC. 2. So much of section eight of said above Act, referring to the above described portion of Sacramento County, is hereby repealed.

SEC. 3. This Act shall be in force and take effect from and after the first day of April, eighteen hundred and sixty-four.

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*An Act to protect agriculture, and to prevent the trespassing of animals upon private property.*

[Approved March 26, 1866.]

[Enacting clause.]

Taking up  
animals  
and pay for  
keeping.

1689. SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, mule, jack, jenny, or horned cattle, or any number of such animals, upon such land or possessory claim, having done and doing damage, whether the said claim be inclosed by a lawful fence or not, may take up and safely keep such animal or animals at the expense of the owner for ten days, and shall be allowed for keeping said animal or animals the following named sums: for each horse, mare, mule, jack, and jenny, the sum of thirty cents per day; and for each head of horned cattle, the sum of twenty cents per day.

Notice to  
owners.

1690. SEC. 2. When the owner or owners of such animal or animals are known, or when the owner can be ascertained by a search of the records of marks and brands in the office of the Justice of the Peace of the township; and it is hereby made the duty of

the Justice of the Peace of each township to procure **Same.** from the County Recorder's office of the county a true and correct list of the marks and brands in said office; and any party taking up branded or marked stock, shall cause such records in said Justice's office to be searched to ascertain such ownership; and if the owner or owners reside in or near the township, they shall be forthwith personally notified; but if at a great distance from said place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest Post Office, directed to the owner or owners at the Post Office nearest to his or their residence. When the owner or owners are not known, written notices containing a description of the animals, their marks and brands, and stating the cause of detention, shall immediately be posted conspicuously in three of the most conspicuous public places in the township, and a copy delivered to the Justice of the Peace of said township.

1691. SEC. 3. At the expiration of ten days, if **Damages.** the animal or animals have not been applied for, and sooner if they have, and the parties cannot agree on the amount of damages and compensation by three disinterested persons, selected by the parties aforesaid as arbitrators, are selected, the taker up, when the damages and compensation claimed shall be less than three hundred dollars; shall file a written complaint, verified by his oath, with a Justice of the Peace of the township, setting forth the facts, location, and nature of the alleged damages, and stating the amount he claims against said animal or animals, and that he has actually sustained the damages claimed.

1692. SEC. 4. When the owner is known, and is **Action.** within the jurisdiction of the Court, the action shall be against the owner, and the summons shall be served

Same.

and returned as in other actions. When the owner is not known, the action shall be against the property *in rem*; and any action thus commenced shall include all the animals thus found doing damage, whether of one or more brands; and no judgment shall be entered up under the provisions of this Act, by default or otherwise, as to the damage done, except upon the testimony of two creditable witnesses, whose names shall be entered in the Justice's docket. When the action is against the property, the summons shall be served by posting a copy of the same conspicuously on the outside of the door of the Justice's office, and in three other public places in the township, and shall be returnable in not less than ten days from such posting, the return of the officer certifying such posting, or of any person qualified to be a juror, who did it, justifying to the same, shall be evidence of a sufficient service thereof. If judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution. If the judgment be for the defendant, the plaintiff shall pay such cost and damage as may be awarded by the Court or jury. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment, shall be paid by the Justice to the owner of the property, upon demand, if demanded within three months from the date of sale; otherwise it shall, at the expiration of that time, be immediately paid into the County Treasury for the benefit of the County School Fund; *provided*, that the Justice may retain so much of said amount as to remunerate him for procuring a certified copy of marks and brands from the County Recorder's office, not to exceed in the aggregate twenty dollars for any one year.

Judgment  
and sale.



1693. SEC. 5. Any owner or owners of any animal or animals seized under the provisions of this Act, may at any time previous to the sale, demand, and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of ownership and paying his proportion of the fees, charges, and damages; and after the sale, may at any time within three months redeem said animal or animals by producing satisfactory proof of his right thereto, and paying the purchaser the amount of the purchase money with interest at the rate of one per cent per month.

How owner  
may regain  
animals.

1694. SEC. 6. The Justice shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made by his order under this Act, a description of the animal sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of surplus money, if any, arising from each sale; and if such surplus money shall be received by the owner of any animal, he shall receipt for it on the margin opposite such record; and the Justice shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums paid.

Justices'  
sales book.

1695. SEC. 7. The fees of Justices and Constables for services under this Act shall be the same as allowed by the general fee bill for similar services in other civil actions in their respective counties.

Fees.

1696. SEC. 8. Nothing in this Act shall be so construed as to prohibit persons from driving stock through uncultivated lands not fenced, and who may

Exception.

be required to pass from one county to another, from watering said stock at natural watering places on said lands.

Driving  
stock.

1697. SEC. 9. Any person who shall drive stock from lands other than his own on to any lands or possessory claim, for the purpose of taking advantage of any provisions of this Act, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished accordingly.

Repeal of  
prior Act.

1698. SEC. 10. The Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March the fifteenth, eighteen hundred and sixty-four, is hereby repealed.

Applicable  
to certain  
counties.

1699. SEC. 11. This Act shall apply only to the Counties of Marin, Yolo, and so much of Sacramento County as lies west and south of the Sacramento and Jackson road, the Third Supervisor District in the County of Solano, and the First Supervisor District in the County of Mono.

SEC. 12. This Act shall be in force from and after the first day of May, A. D. eighteen hundred and sixty-six.

[The Political Code, Sec. 19, continues in force "all Acts in relation to lawful fences, estrays, and the trespassing of animals upon private property."]

CHAPTER CCLIII.

TRINITY COUNTY.

SECTION 1700. Reference to special and local Acts.

1700.

Boundaries and seat of justice, Stats. 1850, p. 62; 1851, p. 179; 1852, p. 240; 1853, p. 161; 1855, p. 200.

Reference  
to special  
and local  
Acts.

Concerning records kept in, previous to organization, Stats. 1851, p. 313.

Providing for organization, Stats. 1851, p. 516.

Authorizing construction of wagon road from Humboldt Bay to Sacramento Valley, Stats. 1852, p. 154.

Authorizing W. Morehead and others to collect tolls on bridge across Trinity River, Stats. 1852, p. 238.

Authorizing D. B. Mooney to collect tolls on ferry across Trinity River, or substitute toll bridge, Stats. 1852, p. 239.

Providing for ordering a special election, Stats. 1852, p. 240.

For relief of claimants of lots or blocks of land in Union and Eureka, Stats. 1853, p. 151.

To divide and form new county out of western portion, to be called Humboldt, Stats. 1853, p. 161.

Providing for restoration of certain books, records, maps, and papers to Humboldt County, Stats. 1854, p. 36.

Authorizing Court of Sessions to levy special tax, Stats. 1854, p. 198.

To fund that portion of the debt accruing previous to May 12th, 1853, apportioned to Humboldt County, Stats. 1854, p. 253.

Fixing compensation of County Judge, Stats. 1855, p. 150.

Legalizing and confirming election of certain officers, Stats. 1856, p. 125; 1857, p. 4.

Providing for maintenance of indigent sick, Stats. 1858, p. 66.

Fixing terms of Court of Sessions and County Court, Stats. 1858, p. 94.

Authorizing Board of Supervisors to levy special tax and create Redemption Fund for payment of county indebtedness, Stats. 1859, p. 29.

Authorizing Weaverville and Shasta Wagon Road Company to file certain papers *nunc pro tunc*, Stats. 1859, p. 227.

Authorizing county to retain State's portion of poll tax, etc., to be applied to construct and improve wagon road from Cloverdale to Yreka, Stats. 1859, p. 323.

For relief of T. W. Blake and others, Stats. 1859, p. 334.

Authorizing Shasta and Yreka Turnpike Company to file certain papers *nunc pro tunc*, Stats. 1860, p. 11.

Concerning roads and highways, Stats. 1860, p. 117; 1863, p. 130; 1863-4, p. 39.

Reference  
to special  
and local  
Acts.

- Providing for compensation of keepers of County Jail, Stats. 1860, p. 219.
- Relating to sureties of C. F. Lynn, Stats. 1861, p. 55.
- Authorizing Board of Supervisors to levy taxes to build County Jail, Stats. 1861, p. 60.
- Making office of County Treasurer a salaried office, Stats. 1862, p. 67.
- Concerning county records, Stats. 1862, p. 164; 1863, p. 22.
- Authorizing Board of Supervisors to levy toll on certain roads, Stats. 1863, pp. 20, 358.
- Providing for Public Administrator, Stats. 1863, p. 23.
- Creating Contingent Fund, Stats. 1863, p. 36.
- Separating office of Collector of Taxes from office of Sheriff, Stats. 1863, p. 39.
- Authorizing Board of Supervisors to levy tax for County Building Fund, Stats. 1863, p. 55.
- Authorizing Superintendent of Public Schools to pay claim of J. H. Hough, Stats. 1863, p. 242.
- Regulating fees of officers, Stats. 1863, p. 281; 1863-4, p. 479.
- Providing County Judge with Supreme Court reports, Stats. 1863-4, p. 361.
- Concerning office of Public Administrator (fees), Stats. 1863-4, p. 480.
- To extend the corporate existence of the Weaverville Wagon Road Company, Stats. 1866, p. 57.
- Canal companies, Incorporation Act amended, Stats. 1866, pp. 53, 605; 1868, p. 134.
- Salary of County Judge, Stats. 1866, p. 98.
- Superintendent of Public Schools to pay claim of A. D. Bayles, Stats. 1866, p. 440.
- Roads and highways, Act amended, Stats. 1866, pp. 381, 564; 1868, p. 315.
- District Assessors, Stats. 1866, p. 651.
- To reduce county expenses, Stats. 1866, p. 709.
- To regulate issue of county warrants, Stats. 1866, p. 831.
- To levy special tax, Stats. 1866, p. 864.
- County Treasurer released from payment of certain moneys, Stats. 1868, p. 48.
- Act concerning jurors, Stats. 1868, p. 39.
- Public and private roads, Stats. 1868, p. 158; 1870, p. 231.
- Roads and highways in, Stats. 1868, p. 315.
- For payment of State's portion of Auditor's salary, Stats. 1868, p. 370.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Supervisors, meeting of, Stats. 1868, p. 681.
- To levy special tax, Stats. 1870, p. 69.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in

their character. This collection is designed as a complete history of the legislation had for the county.

The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.

## CHAPTER CCLIV.

### TROUT.

#### SECTION 1701. Reference to Acts.

##### 1701.

An Act for the preservation and protection of trout, approved April 17th, 1861, p. 177. Reference to Acts.

Amendment approved March 27th, 1862, p. 94; took effect from March 1st, 1862.

An Act amendatory of and supplementary to the foregoing Act of April 17th, 1861, approved March 27th, 1862, p. 94.

An Act for the preservation and protection of trout, approved April 17th, 1861, p. 177, and the Act amendatory thereto, approved March 27th, 1862, p. 94, as well as the amendment to this latter Act, approved March 2d, 1866, p. 144, were repealed by an Act to provide for the restoration and preservation of fish in the waters of this State, approved April 2d, 1870, p. 663.

For local Acts, see under the heads of the various counties.

See "FISH."

See Penal Code, Secs. 626 to 637, inclusive, "VIOLATION OF THE LAWS FOR THE PRESERVATION OF GAME AND FISH," superseding the general Acts above given.

See also, Political Code, Secs. 642 and 643, "FISH COMMISSIONERS."

## CHAPTER CCLV.

## TRUSTS AND TRUSTEES.

## SECTION 1702. Reference to Act.

Reference  
to Acts.

## 1702.

An Act to provide for the more certain execution of express trusts in case of death of the last surviving trustee, approved March 14th, 1868, p. 170.

See Civil Code, Secs. 2287 to 2289, inclusive, "SUCCESSION ON APPOINTMENT OF NEW TRUSTEES."

For trusts in general, see Civil Code, Secs. 447 to 871, inclusive, "USES AND TRUSTS;" and Secs. 2215 to 2289, inclusive, "TRUST."

## CHAPTER CCLVI.

## TULARE COUNTY.

## SECTION 1703. Reference to special and local Acts.

Reference  
to special  
and local  
Acts.

## 1703.

Boundaries, Stats. 1852, p. 240; 1856, p. 183; 1863-4, p. 528.\*

Seat of justice, Stats. 1852, p. 240; 1853, p. 67.

Providing for organization, Stats. 1852, p. 240.

Uniting offices of Clerk and Recorder, Stats. 1853, p. 37.

Submitting to voters permanent location of seat of justice, Stats. 1853, p. 67.

Providing for construction of canal from Tulare Lake to waters of San Joaquin, Stats. 1853, p. 167; 1855, p. 162.

Abolishing Board of Supervisors, Stats. 1854, p. 32.

Fixing compensation of County Judge, Stats. 1854, p. 36; 1856, p. 95; 1860, p. 168.

To organize Buena Vista County, Stats. 1855, p. 203; 1856, p. 96; 1858, p. 36.

Fixing salary of District Attorney, Stats. 1856, p. 95; 1858, p. 192; 1860, p. 272.

Fixing traveling fees, Stats. 1856, p. 97.

Creating Fresno County, Stats. 1856, p. 183.

Providing for construction of canals and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, Stats. 1857, p. 192; 1858, p. 190; 1862, p. 190; 1863, p. 494.

Legalizing certain records, Stats. 1858, p. 16.

Providing for erection of Jail, Stats. 1858, p. 106.

Fixing amount of official bonds of county officers, Stats. 1858, p. 119.

Regulating fees of Sheriff, Stats. 1858, p. 121.

To audit and allow claim of E. F. Beale for expenses incurred in settlement of Indian difficulties, Stats. 1858, p. 326.

Reference  
to special  
and local  
Acts.

To provide for funding debt, for payment of interest and for gradual liquidation of debt, Stats. 1859, p. 54.

Extending time for collection of taxes, Stats. 1860, p. 14; 1861, p. 1.

Concerning Board of Supervisors, Stats. 1861, p. 43.

Authorizing County Auditor to issue certain bonds and providing for construction of certain road, Stats. 1861, p. 164.

Ratifying and approving certain orders of Board of Supervisors, granting land to certain parties, and to make certain conveyances, Stats. 1861, p. 233.

Making warrants drawn on General Fund receivable for county taxes, Stats. 1861, p. 296; 1862, p. 328; 1863, pp. 302, 760.

Submitting to qualified electors question of permitting hogs to run at large, etc., Stats. 1861, p. 411; 1862, p. 241.

Authorizing guardian of George and Marshall Horton to sell certain of their real estate, Stats. 1861, p. 481.

Providing for construction of wagon road from Tulare Valley to Owen's Lake Valley, Stats. 1862, p. 65.

Authorizing officers of Visalia Lodge, No. 128, of Free and Accepted Masons, to sell and convey certain property, Stats. 1862, p. 86.

Concerning sale of certain school lands, Stats. 1862, p. 87.

Fixing compensation of County Auditor, Stats. 1862, p. 311; 1863, p. 301.

Authorizing Board of Supervisors to annul certain bonds, Stats. 1863, p. 28.

Providing for Public Administrator, Stats. 1863, p. 402.

Granting right to construct wooden or iron railroad from Slate Range Mountains to Kern River, Stats. 1863, p. 696.

Authorizing County Auditor to issue bonds to aid construction of wagon road, Stats. 1863, p. 713.

Granting right to construct wagon road, Stats. 1863, p. 714; 1863-4, p. 263.

Authorizing County Assessor to complete assessments and file supplemental tax list, Stats. 1863-4, p. 70.

Authorizing Board of Supervisors to allow claim of Robert Glass, Stats. 1863-4, p. 72.

Creating Board of Commissioners, defining their powers and duties, etc., Stats. 1863-4, p. 167.

Creating Contingent Fund, Stats. 1863-4, p. 192.

Creating Board of Water Commissioners and defining their powers and duties, Stats. 1863-4, p. 375.

Creating Coso County, Stats. 1863-4, p. 528.

Roads and highways in, Stats. 1866, p. 18.

Franchise for wagon road to Peter Goodhue and others, amended, Stats. 1866, p. 106.

For the relief of T. C. Hays, Stats. 1866, p. 39.

Funding debt, supplementary Act, Stats. 1866, p. 221.

Notaries Public, Stats. 1866, p. 234.

Reference  
to special  
and local  
Acts.

- County Clerk, Auditor, and Recorder of, Stats. 1866, p. 245.  
 Franchise to Kearsarge Road Company, Stats. 1866, p. 287.  
 Water Commissioners, Act amended, Stats. 1866, pp. 313, 314.  
 Protection of stock raisers, Stats. 1866, p. 322.  
 Inyo County formed from portion of, Stats. 1866, p. 355.  
 Powers granted to McFarlane Pass Wagon Road Company, Stats. 1866, p. 435.  
 Inyo County to pay part of debt, Stats. 1866, p. 358.  
 Franchise to H. M. White and associates for wagon road, Stats. 1866, p. 503.  
 To improve navigation of San Joaquin River, Stats. 1866, p. 536.  
 Wagon road franchise to Clear Lake mines, Stats. 1866, p. 690.  
 To legalize acts of Recorders, Stats. 1866, p. 825.  
 Authorized to aid in construction of S. P. R. R., Stats. 1866, p. 816.  
 To construct turnpike road, Stats. 1866, p. 825.  
 Wagon road franchise to Aqua Caliente, Stats. 1866, p. 825.  
 Wagon ditches and privileges for agriculture and mining, Stats. 1868, p. 112.  
 Act concerning jurors, Stats. 1868, p. 39.  
 Compensation of Supervisors, Stats. 1868, p. 128.  
 Roads and highways, Stats. 1868, p. 154; 1870, p. 324.  
 Auditor to issue bonds for building bridges, Stats. 1868, p. 208.  
 For payment of debt of Kern County, Stats. 1868, p. 210.  
 Compensation of jurors in criminal cases, Stats. 1868, p. 267.  
 Redistrict of county, Stats. 1868, p. 299.  
 To be in the Thirteenth Judicial District, Stats. 1868, p. 658.  
 Funding debt of Road Fund, Stats. 1868, p. 351.  
 For payment of State's portion of Auditor's salary, Stats. 1868, p. 371.  
 Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.  
 To extend time to complete wagon road, Stats. 1868, p. 710.  
 Act in relation to herding sheep, Stats. 1870, p. 304.  
 For the relief of L. P. Hall and S. J. Garrison, Stats. 1870, p. 624.  
 Time of levying road tax, Stats. 1870, p. 324.  
 Terms of District Court, Stats. 1870, p. 792.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

The laws relating to boundaries, county seats, and the duties of county officers; mode of changing county seats, and general government of the counties; the salaries of the County Judges and District Attorneys; and the laws providing for the incorporation of cities, and the general powers of such corporations, will be found in Political Code, Part IV, and, to a certain extent as therein provided, supersede all prior enactments.



The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCLVII.

### TUOLUMNE COUNTY.

SECTION 1704. Reference to special and local Acts.

#### 1704.

Boundaries, Stats. 1850, pp. 63, 263; 1851, p. 175; 1855, p. 245; 1859, p. 213. Reference to special and local Acts.

Seat of justice, Stats. 1850, pp. 63, 263; 1851, p. 175.

To fund debt and provide for payment, Stats. 1853, p. 26.

Creating Stanislaus County, Stats. 1854, pp. 21, 148.

Authorizing Court of Sessions to levy and collect special tax for support and maintenance of indigent sick, Stats. 1854, p. 83; 1857, p. 198.

Fixing compensation of Board of Supervisors, Stats. 1854, p. 207; 1855, p. 56.

Authorizing John Caruthers to build and construct turnpike or gravel road from Stockton to Sonora and Columbia, Stats. 1854, p. 220.

Fixing time of holding Courts authorized to be held by County Judge, Stats. 1855, p. 114; 1858, p. 111.

To compensate Mrs. S. Staples, teacher of Pioneer School, Stats. 1855, p. 209.

To establish prominent boundary line between Tuolumne and Stanislaus Counties, Stats. 1855, p. 245.

In relation to sureties of H. K. Swope, late Sheriff, Stats. 1856, p. 35.

Providing for erection of Jail, Stats. 1856, p. 120; 1857, p. 104; 1858, p. 2.

Granting to Sheriff additional time to make annual settlement for collection of taxes for 1856, Stats. 1857, p. 31.

Incorporating Town of Columbia, Stats. 1857, p. 188; 1858, p. 85; 1863, p. 272.

Relating to hospital affairs, Stats. 1857, p. 198.

Concerning office of Public Administrator, Stats. 1858, pp. 114, 297.

Concerning roads and highways, Stats. 1858, p. 297; 1859, pp. 30, 368; 1863, p. 163.

Regulating fees of certain officers, Stats. 1859, p. 8; 1863-4, p. 182.

Fixing terms of Probate Court, Stats. 1859, p. 15.

Fixing compensation of County Judge, Stats. 1859, p. 52; 1860, p. 55.

Reference  
to special  
and local  
Acts.

Fixing salary of District Attorney, Stats. 1859, p. 59.

Concerning Board of Supervisors, Stats. 1859, p. 88.

Fixing time of holding Court of Sessions and County Court, Stats 1859, pp. 150, 256.

Abolishing office of Public Administrator, Stats. 1859, p. 336.

Creating Contingent Fund, Stats. 1860, p. 56.

Authorizing sale of real estate of Joel Allen, deceased, Stats. 1860, p. 80.

Authorizing administrator of Albert Cutler, deceased, to sell real estate, Stats. 1861, p. 15; 1862, p. 8.

Making certain offices salaried offices, Stats. 1861, pp. 20, 183; 1862 pp. 18, 478; 1863-4, p. 316.

Providing fund for redemption of outstanding county warrants, etc., and providing for payment of all current expenses, etc., Stats. 1861, pp. 24, 90; 1863, p. 14.

Regulating fees of Associate Judges of Court of Sessions, jurors, Judges, Inspectors, and Clerks of Elections, Stats. 1861, p. 116.

Authorizing Board of Supervisors to transfer certain funds, Stats. 1861, p. 302.

Relative to office of Superintendent of Common Schools, Stats. 1862, p. 42.

Authorizing guardian of infant heirs of Michael Flanigan, deceased, to sell property, Stats. 1862, p. 75.

Relative to certain outstanding warrants, Stats. 1862, p. 96.

Granting to J. H. and C. J. Deering to construct and maintain bridge or bridges across Tuolumne River, Stats. 1862, p. 112; 1863, p. 356.

To district county into Supervisor districts, Stats. 1862, p. 167.

Legalizing declaration of roads and public highways made by Board of Supervisors, Stats. 1862, p. 213.

Providing for collection of delinquent taxes, Stats. 1862, p. 253.

Authorizing Auditor to issue certain bonds, and providing for construction of certain road, Stats. 1862, p. 439.

Granting right to construct turnpike between Columbia and Sonora, Stats. 1862, p. 524.

Providing manner of drawing, summoning, and forming Grand Juries, Stats. 1863, p. 29.

Providing for construction of wagon road from Sonora to Aurora, Stats. 1863, pp. 134, 761; 1863-4, p. 157.

Granting right to construct bridge across Stanislaus River, at Peoria Bar, Stats. 1863, p. 181.

Granting right to construct turnpike between Chinese Camp and Aurora, Stats. 1863, p. 564.

Authorizing Board of Supervisors to take and subscribe fifty thousand dollars to stock of Stockton and Copperopolis Railroad Company, etc., Stats. 1863, p. 679.

Granting to B. W. Hathaway and others right to construct and maintain turnpike or toll road from Sonora to State line, in Mono County, Stats. 1863-4, p. 155.

For relief of Miss M. H. Bowne, Stats. 1863-4, p. 223.

- To enable Sonora and Mono Wagon Road Commissioners to settle with county, Stats. 1863-4, p. 364.
- Concerning fences, Stats. 1863-4, p. 475.
- Leave of absence granted to County Clerk, Stats. 1866, p. 11.
- Erection of County Jail in, Stats. 1866, pp. 52, 135.
- Salary of County Judge, Stats. 1866, p. 65.
- Wagon road franchise to H. B. McNeil and others, Stats. 1866, p. 99; 1868, p. 98.
- Roads and highways in, Stats. 1866, pp. 116, 664; 1868, p. 77; 1870, pp. 396, 654.
- Certain offices made salaried, Stats. 1866, p. 151.
- To fix salary of certain offices, Stats. 1866, p. 273.
- Goats running at large, Stats. 1866, p. 457.
- For the relief of C. Burden, Stats. 1866, p. 680.
- Terms of District Court, Stats. 1868, pp. 4, 618.
- To be part of Fifth Judicial District, Stats. 1866, p. 863; 1868, p. 658.
- Terms of Probate Court, Stats. 1868, pp. 7, 688.
- Assessment of property, Stats. 1870, p. 20.
- Tax for road purposes, Stats. 1868, p. 77.
- Franchise to improve river, Stats. 1868, p. 262.
- In relation to sureties on bond of T. Norwood, Stats. 1868, p. 295.
- Act incorporating canal companies not to apply, Stats. 1868, p. 134.
- To redeem outstanding warrants, Stats. 1868, p. 354.
- Assessor and Collector, duties of, Stats. 1868, p. 407.
- Fees and salaries, Stats. 1868, p. 448; 1870, p. 148.
- Taxes on migratory bands of stock, Stats. 1868, p. 709.
- Assessment of property, Stats. 1870, p. 20.
- Salary of County Judge, Stats. 1870, p. 67.
- Treasurer to be credited with poll tax receipts, Stats. 1870, p. 76.
- For the relief of District Collectors, Stats. 1870, p. 110.
- For redeeming and paying outstanding warrants, Stats. 1870, p. 281.
- In relation to indebtedness, Stats. 1870, p. 292.
- To legalize certain county warrants, Stats. 1870, p. 382.
- Treasurer to apportion moneys in Current Expense Fund, Stats. 1870, p. 504.
- Sheriff to be ex officio Tax Collector, Stats. 1870, p. 525.
- For the relief of C. Dorsey, District Attorney, Stats. 1870, p. 878.

CITY OF SONORA.

- Incorporating City of Sonora, Stats. 1851, p. 375; 1854, p. 208; 1855, p. 37.
- Second Act incorporating city, Stats. 1855, p. 35; 1857, p. 13; 1858, p. 99; 1860, p. 17.
- In regard to Justices of the Peace, Stats. 1858, p. 90.
- Authorizing Board of Trustees to levy special tax for benefit of fire department, Stats. 1860, p. 206.
- To define and establish boundary line of city, Stats. 1861, p. 159.
- Legalizing ordinances and all official acts of Board of Trustees, Stats. 1861, p. 271.

Reference  
to special  
and local  
Acts.

## UNIVERSITY OF STATE.

Reference  
to special  
and local  
Acts.

Third Act incorporating city, Stats. 1862, p. 228; 1863, p. 38.

Directing Board of Trustees to levy special tax for benefit of fire department, Stats. 1863-4, p. 312.

Mono road, near Antelope Valley, Stats. 1866, p. 58.

Wagon road to Copperopolis, Stats. 1866, p. 99; 1868, pp. 98, 426.

Reincorporation Act amended, Stats. 1870, pp. 394, 406.

## TOWN OF COLUMBIA.

Incorporation Act repealed, Stats. 1870, p. 430.

[Reference is here given to all laws which relate to the county, whether the laws are general or special in their character. This collection is designed as a complete history of the legislation had for the county.

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The law relating to legal distances from the county seat to the State Prison, Insane Asylum, and Capital may be found in the Political Code, Secs. 150 to 201; for apportionment of State Senators and members of the Assembly, Secs. 78 to 106, and 225 to 230; and for Congressional Districts, Sec. 117.]

## CHAPTER CCLVIII.

## UNIVERSITY OF STATE.

SECTION 1705. Reference to Acts.

Reference  
to Acts.

## 1705.

An Act to create and organize the University of California, approved March 23d, 1868, p. 248.

An Act for the endowment of the University of California, approved April 2d, 1870, p. 668.

An Act to provide for five competitive scholarships for the benefit of meritorious young men desirous of entering the State University, approved April 1st, 1870, p. 546.

An Act to authorize the Regents of the University of California to establish a Preparatory Department, approved January 6th, 1870, p. 4.

An Act to provide military instruction in the University of California,

and to authorize the Governor to call into service the retired officers of University Cadets in cases of war or insurrection, approved March 4th, 1870, p. 119.

Controller to transfer bonds and money to Fund of, Stats. 1868, p. 357.

Regents to make reports to Governor, Stats. 1870, p. 333.

See Political Code, Secs. 1385 to 1477, inclusive, "UNIVERSITY OF CALIFORNIA."

## CHAPTER CCLIX.

### VACCINE MATTER.

SECTION 1706. Reference to Act.

#### 1706.

An Act to provide for the obtainment, preservation, and distribution of vaccine matter, approved March 27th, 1852, p. 138. Reference to Acts.

See Political Code, Secs. 2993 and 2994, "VACCINE AGENT."

## CHAPTER CCLX.

### VAGRANTS AND VAGABONDS.

SECTION 1707. Reference to Acts.

#### 1707.

An Act to punish vagrants, vagabonds, and dangerous and suspicious persons, approved April 30th, 1855, p. 217. Reference to Acts

Amendment approved April 27th, 1863, p. 770; took effect thirty days after passage.

Amendment approved February 19th, 1856, p. 32.

See Penal Code, Sec. 647. The Political Code, Sec. 4426, confers jurisdiction upon Police Courts to punish vagrants.

## CHAPTER CCLXI.

### WARRANTS OF COUNTY.

SECTION 1708. Reference to Acts.

#### 1708.

An Act concerning county warrants, approved April 24th, 1857, p. 245.

Reference  
to Acts.

An Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of county taxes and dues in said county, approved April 7th, 1857, p. 186, was repealed by Act of March 22d, 1864; Stats. 1863-4, p. 218.

An Act to regulate the issue of county warrants in the County of Shasta, approved April 15th, 1858, p. 162.

An Act making warrants drawn on the General Fund of Mendocino and Tulare Counties receivable for county taxes in said counties, approved May 6th, 1861, p. 296.

An Act to make county warrants receivable in payment of taxes in Tulare County, approved April 24th, 1862, p. 328, was repealed by Act of April 14th, 1863, p. 302.

An Act making county warrants drawn on the General Fund of Tulare County receivable in payment for county taxes, approved April 27th, 1863, p. 760.

See Political Code, Secs. 4144 to 4165, inclusive, "COUNTY TREASURER;" Secs. 4215 to 4224, inclusive, "COUNTY AUDITOR," and Secs. 4031 and 4076.

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## CHAPTER CCLXII.

### WATERCOURSES AND COMMISSIONERS.

#### SECTION 1709. Board of Commissioners.

1710. Election; Supervisors to canvass the votes, etc.; vacancies.

1711. Duties of Commissioners.

1712. Duties of Overseer.

1713. Who liable to work; proviso.

1714. Penalty for refusing to work.

1715. When watercourse runs through two or more townships.

1716. Compensation of Overseer.

1717. When water not subject to this Act.

• 1718. Right of way.

1719. Penalty for obstructing waters.

1720. Damage from breaking of ditch.

1721. Bridges to be kept in repair.

1722. Waters of river, creek, or stream, not to be diverted, unless, etc.

1723. Compensation of owners of land; arbitrators to report; proviso.

1724. Ex officio Commissioners in cities.

1725. Reference to special Acts.

*An Act creating a Board of Commissioners and the office of Overseer in each township of the several counties of this State, to regulate watercourses within their respective limits.*

[Approved May 15, 1854, p. 180.]

[Enacting clause.]

1709. SECTION 1. There shall be, in each of the townships of the Counties of San Diego, Santa Barbara, San Luis Obispo, Napa, Los Angeles, Solano, Contra Costa, Colusa, Tulare, Tehama, Sonoma, and Santa Cruz, a Board of Commissioners to regulate watercourses, to consist of three members, and also an Overseer, to be elected as hereinafter provided. (Amendment approved February 21st, 1861, p. 31.)

Board of  
Commissioners.

1710. SEC. 2. Upon the petition of a majority of the voters of any township in said counties, the Board of Supervisors of the respective county shall thereupon order an election, of which ten days' notice shall be given, by at least three notices, posted up at the most public places in such township, to be held at the next general election of township officers of such township, for the election of three Commissioners and an Overseer, whose term of office shall be for one year, and until the election and qualification of their successors; such election shall be conducted by the Inspector and Judges of Election in accordance with the laws regulating elections. The Board of Supervisors shall canvass the votes and declare the result. At each succeeding annual election of township officers, three Commissioners and an Overseer shall be elected by the qualified electors of such township, who shall hold their offices for the term above specified. Vacancies occurring in the office of Overseer, by death, resignation, or other casualty, shall be filled by appointment by the Commissioners, and the person so

Election.

Supervisors to  
canvass the  
votes, etc.

Vacancies.

appointed shall hold his office until the next annual election of township officers. (Amendment approved April 10th, 1862, p. 235.)

Duties of  
Commis-  
sioners.

1711. SEC. 3. The duties of the Commissioners shall be to examine and direct such watercourses as they adjudge ought to be appropriated to public use, and apportion the water thereof among the inhabitants of their district, determine the time of using the same, and, upon a petition of a majority of the persons liable to work upon ditches, lay out and construct ditches, as set forth in such petition. (Amendment approved April 10th, 1862, p. 235.)

Duties of  
Overseer.

1712. SEC. 4. The duties of the Overseer shall be to execute the orders of the Commissioners, to attend to and see that the water is used as apportioned by said Commissioners, to superintend the works ordered by them, to see that the water is kept clear of filth of every description, and the ditches are kept in good repair.

Who liable  
to work.

1713. SEC. 5. Each able-bodied male inhabitant in every township, over the age of sixteen and under fifty, shall, when required by the Overseer, upon not less than three days' verbal notice, or by notice in writing, left at their residence, perform or cause to be performed any number of days' work not exceeding twelve in any one year; *provided*, that no person shall be compelled to work more than two successive days at any one time, and in no case shall any person or persons be compelled to work or expend money on any ditch or ditches who does not use the water thereof.

Proviso.

Penalty for  
refusing to  
work.

1714. SEC. 6. In case any person, after being duly notified as required in the preceding section, shall fail to do or cause to be done the amount of work required, he shall be liable to pay the sum of three



dollars per day for every day that he shall fail to work, recoverable at a suit of the Overseer, before any competent tribunal, to be by him applied to the construction of ditches within his township.

1715. SEC. 7. In case a watercourse should run through two or more townships, and the Commissioners should not be able to agree as to the amount of water to be used by each township, the County Judge, upon application of the Commissioners, shall determine the difficulty.

When water-course runs through two or more townships.

1716. SEC. 8. The Commissioners shall allow the Overseer reasonable compensation, and for that purpose they are hereby authorized to levy a tax within their township on persons benefited, in proportion to the amount of water used by each.

Compensation of Overseer.

1717. SEC. 9. Where water rises on land owned by any person, it shall not be subject to the provisions of this Act, but in all cases after it has passed beyond the limits of said lands, it may be used as provided in this Act.

When water not subject to this Act.

1718. SEC. 10. In all cases the Commissioners shall have the right of way to cut ditches through their townships.

Right of way.

1719. SEC. 11. Any person obstructing the waters of any ditch, by dam or otherwise, causing the same to overflow or waste, or who shall throw or cause to be thrown any filth in any such water ditch, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not more than ten dollars for the first offense, and twenty for every subsequent offense of the same kind, recoverable at the suit of the Overseer, before any Justice of the Peace of the township, to be appropriated as aforesaid.

Penalty for obstructing waters.

Damage  
from  
breaking  
of ditch.

1720. SEC. 12. In case any person should be damaged by the breaking of any such ditch, the parties using such ditch shall be liable for all such damages.

Bridges to  
be kept in  
repair.

1721. SEC. 13. Bridges shall be constructed and kept in repair over such ditches, by the parties using the water, at such points as the Board of Commissioners shall direct.

Waters  
of river,  
creek, or  
stream,  
not to be  
diverted,  
unless, etc.

1722. SEC. 14. No person or persons shall direct the waters of any river, creek, or stream, from its natural channel, to the detriment of any other person or persons located below them on any such stream, unless previous compensation be ascertained, and paid therefor, under the provisions of this Act or under the provisions of other laws of this State authorizing the taking of private property for public uses. (Amendment approved April 10th, 1862, p. 235.)

Compensation of  
owners of  
land.

1723. SEC. 15. Any person or persons, who, under this Act, shall conduct water by ditch or otherwise, across the lands of any person or persons, shall pay to such person or persons owning such lands, such compensation as may be agreed upon by the parties owning the lands; and in case the parties cannot agree, each party shall appoint one arbitrator, and in case either party shall neglect or refuse to appoint such arbitrator, for the space of three days, after written notice has been served on the parties so refusing or neglecting, requiring him to make such appointment, then it shall be lawful, and shall be the duty of the County Judge to appoint one arbitrator for the party so refusing, and the two so appointed shall select a third; the arbitrators so chosen may appraise the lands used for ditching purposes, and shall hear and determine all questions of damages arising from the taking and use thereof, and to award the amount of the same

to the parties entitled thereto; and for this purpose, said arbitrators shall have power to administer oaths. Before proceeding to appraise said lands, said arbitrators shall make and subscribe an oath that they will faithfully and honestly perform the duties of their appointment. The said arbitrators shall make their report to the County Court, and the same shall be affirmed or set aside, for cause shown; and if set aside, new arbitrators shall be appointed in the same manner as above, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and execution may be issued thereupon by the Clerk of the Court; *provided*, that nothing in this Act shall be so construed as to apply to the mining interests of this State. (Amendment approved April 28th, 1860, p. 335.)

Arbitrators  
to report.

Proviso.

1724. SEC. 16. The Mayor and Common Council in all incorporated cities in the counties mentioned in section first of this Act, shall ex officio be constituted the Board of Commissioners on all lands appertaining or belonging to their respective cities, and shall have power to regulate the water privileges therein.

Ex officio  
Commis-  
sioners in  
cities.

1725.

There are in force several Acts relating to Water Commissioners in particular counties, as follows:

Reference  
to special  
Acts.

San Bernardino.—An Act to create a Board of Water Commissioners in the County of San Bernardino, and define their duties, approved March 6th, 1857, p. 63; amended April 12th, 1859, p. 217, was repealed by

An Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February 18th, 1864; Stats. 1863-4, p. 87.

Merced.—An Act to create a Board of Water Commissioners in the County of Merced, and define their duties, approved April 13th, 1860, p. 182.

Tulare.—An Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March 15th, 1864; Stats. 1863-4, p. 167; and

An Act to create a Board of Water Commissioners in Tulare County,

and to define their powers and duties, approved April 4th, 1864; Stat. 1863-4, p. 375.

The Political Code, Sec. 19, continues in force "all Acts creating or regulating Boards of Water Commissioners and Overseers in the several townships or counties of the State." The above Acts are therefore given in this place.

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## CHAPTER CCLXIII.

### WATER ON THE COLORADO DESERT.

#### SECTION 1726. Reference to Acts.

Reference  
to Acts.

#### 1726.

An Act to encourage the supply of fresh water on the desert, west of Fort Yuma, approved April 15th, 1859, p. 238.

An Act appropriating money to complete certain wells on the Colorado desert, approved April 28th, 1860, p. 310.

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## CHAPTER CCLXIV.

### WEIGHTS AND MEASURES.

#### SECTION 1727. Reference to Acts.

Reference  
to Acts.

#### 1727.

An Act to establish a standard of weights and measures, passed March 30th, 1850, p. 144, amended April 30th, 1853, p. 128, and April 12th, 1858, p. 138, was repealed, with the amendatory Act, by the following Act:

An Act to establish a standard of weights and measures, approved April 4th, 1861, p. 86.

An Act amendatory of and supplemental to the foregoing Act of April 4th, 1861 (amending the second section thereof, and giving several supplemental sections applicable to the City and County of San Francisco), approved May 11th, 1861, p. 346, was repealed by Act of April 27th, 1863, p. 737.

The Political Code, Secs. 3209 to 3223, inclusive, "WEIGHTS AND MEASURES," supersedes all prior enactments.

## CHAPTER CCLXV.

## WHARVES.

SECTION 1728. Reference to Acts.

## 1728.

An Act to authorize the Boards of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April 8th, 1858, p. 120. Reference to Acts.

An Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April 24th, 1863, p. 406.

See "HARBORS."

The various special Acts in relation to wharves in different parts of the State, granting franchises, fixing the rates of wharfage and tolls, and prescribing or providing for regulations, will be found referred to under the heads of the respective counties.

Supplemental and amendatory to an Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April 8th, 1858, p. 120, approved March 31st, 1870, p. 526.

Additional sections in Act, approved March 31st, 1870, p. 526.

An Act concerning wharves, approved April 24th, 1870, p. 608.

See Political Code, Secs. 2906 to 2920, inclusive, "WHARVES, CHUTES, AND PIERS;" and Political Code, Secs. 2521 to 2554, inclusive, "SAN FRANCISCO HARBOR AND STATE HARBOR COMMISSIONERS;" and Political Code, Secs. 2567 to 2572, inclusive, "HARBOR COMMISSIONERS FOR THE PORT OF EUREKA."

## CHAPTER CCLXVI.

## WILLS.

SECTION 1729. Reference to Acts.

## 1729.

An Act concerning wills, passed April 10th, 1850, p. 177.

Amendments to an Act concerning wills, passed April 10, 1850, p. 177. Amendment approved March 24th, 1866, p. 381; took effect from passage. Reference to Acts.

See Civil Code, Secs. 1270 to 1377, inclusive, "WILLS," as to the probate of wills, etc.

See Code of Civil Procedure, Sec. 1294, et seq., "OF PROCEEDINGS IN PROBATE COURTS."

## CHAPTER CCLXVII.

## WITNESSES.

## SECTION 1730. Reference to Acts.

Reference  
to Acts.

1730.

An Act in relation to witnesses, approved March 19th, 1868, p. 193.

Husband and wife may become, in criminal cases, Stats. 1866, p. 46; persons charged with criminal offenses shall be deemed competent witnesses.

See Code of Civil Procedure, Part IV, "OF EVIDENCE."

## CHAPTER CCLXVIII.

## WOOD MEASURER.

## SECTION 1731. Reference to Act.

Reference  
to Act.

1731.

An Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco, approved April 28th, 1862, p. 470, was repealed by Act of April 27th, 1863, p. 743.

## CHAPTER CCLXIX.

## WRECKS.

## SECTION 1732. Reference to Act.

Reference  
to Act.

1732.

An Act concerning wrecks and wrecked property, passed April 10th, 1850, p. 173.

See Political Code, Secs. 2403 to 2418, "WRECKS, AND WRECKED PROPERTY."

## CHAPTER CCLXX.

## YOLO COUNTY.

SECTION 1733. Reference to special and local Acts.

**1733.**

Boundaries, Stats. 1850, pp. 61, 156; 1851, p. 178; 1857, p. 108.

Seat of justice, Stats. 1850, pp. 61, 156; 1851, p. 178; 1855, p. 287; 1857, p. 92; 1860, p. 209; 1861, p. 60; 1862, p. 45.

Reference  
to special  
and local  
Acts.

Fixing compensation of County Judge, Stats. 1851, p. 310; 1857, p. 14.

To fund debt and provide for payment, Stats. 1853, p. 183.

Changing time of holding different Courts authorized to be held by County Judge, Stats. 1855, p. 103; 1857, p. 30; 1859, p. 21; 1861, p. 268.

To relocate county seat by qualified voters, Stats. 1855, p. 287.

To fund debt accrued from January 1st, 1853, to April 1st, 1855, and provide for payment, Stats. 1855, p. 289.

To release J. Van Arnam from further liability as surety of A. Chisholm, late Treasurer, Stats. 1856, p. 36.

Concerning collection of taxes, Stats. 1857, p. 34.

Changing and fixing county seat, Stats. 1857, p. 92.

Fixing compensation of District Attorney, Stats. 1857, p. 256; 1863-4, p. 10.

Authorizing sale of certain real estate by guardian of infant heirs of William Knight, deceased, Stats. 1857, p. 269.

Concerning official bonds of Public Administrator and Coroner, Stats. 1858, p. 28.

Relative to Board of Supervisors (fixing compensation), Stats. 1858, p. 34.

Concerning roads and highways, Stats. 1858, p. 227; 1859, p. 16; 1860, p. 25.

Granting right to open channel of Cache Creek, from Clear Lake to mouth of cañon in Sacramento Valley, Stats. 1858, p. 303.

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## CHAPTER CCLXXI.

### YUBA COUNTY.

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